Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring passage of House bill 17736, for reducing the rate on letter postage to 1 cent per ounce; to the Committee on the Post Office and Post Roads.

Also, petition of J. Kelleher, San Jose, Cal., favoring passage of House bill 20487, for the Federal accident compensation act to become a law; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of San Francisco, Cal., for recognition of Chinese Republic; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of Palo Alto, Cal., favoring passage of Haugen bill (H. R. 21225) and defeat of Lever bill (H. R. 20281); to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of Sacramento, Cal., favoring passage of House bill 19476, for increasing the California Redwood Park; to the Committee on the Public Lands.

By Mr. KAHN: Petition of Retail Druggists' Association of San Francisco, Cal., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Chamber of Commerce of San Francisco, Cal., submitting amendments of Shipowners' Association of Pacific Coast relative to House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Labor Council of San Francisco, Cal., favoring passage of House bill 11372, known as the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Carpenters' Union, Local No. 1082, San Francisco, Cal., favoring passage of House bill 22339, in opposition to the stop-watch system on Government employees; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of E. A. Schweiger, of Brooklyn, N. Y., against changing laws bearing on manufactured articles covered by patents; to the Committee on the Judiciary.

Also, petition of Dr. Abram Posner, Brooklyn, N. Y., against passage of House bills 11380 and 11381; to the Committee on the Judiciary.

Also, petition of Simpson-Crawford Co. and the Fourteenth Street Store, favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Jewish community of New York City, against the educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. PARRAN: Papers to accompany bill granting a pension to Edith Mason (H. R. 23228); to the Committee on Pensions.

By Mr. RUCKER of Colorado: Petition of Herman Jansson and others of Denver, Colo., favoring passage of an old-age pension law; to the Committee on Pensions.

By Mr. STEPHENS of California: Resolution of the Sailors' Union of the Pacific, urging passage of the seamen's bill (H. R. 11372); to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of the Surburg Co., of New York City, against passage of the anticoupon bill; to the Committee on Ways and Means.

By Mr. TILSON: Petition of New Haven Caledonian Club, of New Haven, Conn., favoring legislation for better class of immigrants to the United States; to the Committee on Immigration and Naturalization.

Also, petition of the Billings & Spencer Co., of Hartford, and the Edward P. Judd Co., of New Haven, Conn.; to the Committee on Patents.

By Mr. WILSON of New York: Petition of citizens of the State of New York, relative to operation of the corporation-tax law; to the Committee on Ways and Means.

Also, petition of the Jewish community of New York City, against passage of educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Medical Society of the State of New York, favoring passage of bill for a national department of health at Washington, D. C.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the West End Citizens' League, of Woodhaven, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of merchants of Brooklyn, N. Y., favoring passage of Senate bill 6103 and House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Catholic Mutual Benefit Association, of Thornell, N. Y., favoring passage of Dodds amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *May 2, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

THANKS OF THE PEOPLE OF CHINA (S. DOC. NO. 641).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting for the information of the Senate a copy of a note from the Chinese minister, expressing the thanks of the people of China for the message of congratulation and confidence set forth in the concurrent resolution adopted by the Senate on April 17, 1912, which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Seventh-day Adventist Church of Middletown, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. BURTON presented memorials of sundry citizens of Putnam County, Ohio, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

Mr. CULLOM presented a memorial of sundry citizens of Alton, Ill., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented a memorial of the Illinois Lumber and Builders Supply Dealers' Association, remonstrating against the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented a petition of the Peoria Cooperative Cigar Co., of Illinois, praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

He also presented a petition of members of the St. Peter's Men's Society of St. Peter's Cathedral, of Belleville, Ill., praying for the appointment of a Federal commission on industrial relations, which was referred to the Committee on Education and Labor.

Mr. NELSON presented resolutions adopted by members of the Civic and Commerce Association of Minneapolis, Minn., favoring the adoption of certain amendments to the immigration law, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Nicollet, Minn., remonstrating against the enactment of legislation to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of the Wholesalers' Board of Trade, of San Diego, Cal., remonstrating against the enactment of legislation to prohibit the towing of log rafts through the open sea, which was referred to the Committee on Commerce.

He also presented a petition of the Mare Island Branch, United States Civil Service Retirement Association, of California, praying for the passage of the so-called Cummins civil service retirement bill, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a telegram in the nature of a memorial from J. F. O'Brien, secretary of the Railroad Brotherhood's legislative board of California, of Bakersfield, Cal., remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented resolutions adopted by members of the Sailors' Union of the Pacific, favoring the enactment of legislation to safeguard life and property at sea, which were referred to the Committee on Commerce.

Mr. McLEAN. I present resolutions adopted by members of the Arkwright Club, remonstrating against the adoption of the Covington amendment to the Panama Canal bill. I ask that the resolutions be printed in the RECORD and referred to the Committee on Interoceanic Canals.

There being no objection, the resolutions were referred to the Committee on Interoceanic Canals and ordered to be printed in the RECORD, as follows:

We, the undersigned members of the Arkwright Club, being actively interested in the manufacture of cotton goods in New England, understand that the Covington amendment, so called, to the bill now before

Congress, regulating the passage of vessels through the Panama Canal, provides that "it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce, to own, lease operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government, and in the authority granted to the Interstate Commerce Commission. We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England that, under proper restrictions, railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South, especially in connection with the cotton industry. We believe that, with the opening of the Panama Canal, it is of greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf cities.

Therefore, we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water, and as thus retarding the development of New England's commerce with southern and Pacific ports; and we urge New England Congressmen to do everything in their power to defeat the amendment.

CHENEY BROS.,
Silk Manufacturers.
By CHARLES CHENEY,
Treasurer.

Mr. McLEAN presented a petition of sundry citizens of Chatham, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. LIPPITT. Mr. President, there has been introduced in the House of Representatives as an amendment to the Panama Canal bill a proposition to prevent the railroads of the country from holding any steamship lines.

This is a matter of the greatest importance to the State of Rhode Island. The railroad lines in previous times have been built north and south through her domain, reaching tidewater in Narragansett Bay, and there connecting with the steamships which carried her products to the different parts of the country. From the earliest times it was found advisable that such railroads and steamships should be owned by the same parties.

It has been the traditional policy of Rhode Island to encourage such ownership, and this proposed measure changing the traditional policy of the State becomes a matter of great interest to us.

The legislature of the State at its recent session passed a resolution on this subject, and as it is short I ask that it be read.

The VICE PRESIDENT. Without objection, the Secretary will read.

The resolution was read and referred to the Committee on Interoceanic Canals, as follows:

STATE OF RHODE ISLAND, ETC.,
IN GENERAL ASSEMBLY,
January Session, A. D. 1912.

Resolution requesting the Senators and Representatives in Congress from Rhode Island concerning House resolution 21969, pending in Sixty-second Congress of the United States.

Whereas it has been the policy of this State, beginning with the earliest railroad charters, to authorize and encourage railroad companies to build their railroads to tidewater, to own wharves and docks, and to operate, or to own the stock of companies operating steamboats; and

Whereas in the last railroad charter granted, and as late as the year 1910, the General Assembly of Rhode Island, in furtherance of this policy, authorized the building to tidewater, the owning of wharves and docks and the operation of, and ownership of the stock of, other companies which operate steamboats or steamships; and

Whereas section 11 of a bill pending in the House of Representatives of the Congress of the United States numbered 21969 and entitled "A bill to provide for the opening, maintaining, protection, and operating of the Panama Canal and the sanitation and government of the Canal Zone" is contrary to the said policy of this State; said section being as follows:

"SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof as follows:

"'From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense'": Now therefore

Resolved, That the General Assembly of the State of Rhode Island opposes any action by Congress in conflict with the beneficial policy of this State as aforesaid, and that the Senators and Representatives in Congress from Rhode Island be, and they are hereby, respectfully requested to do all in their power to the end that section 11 of said bill be stricken therefrom.

—

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 26, 1912.

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 25th day of April, A. D. 1912.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date first above written.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. BRANDEGEE presented resolutions adopted by the representatives of eight young people's societies of eastern Connecticut, in convention at Jewett City, Conn., favoring the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SWANSON. I present a telegram in the nature of a petition, which I ask may be read and lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

ROANOKE, VA., *April 12, 1912.*

Hon. CLAUDE A. SWANSON,
Senator, Washington, D. C.

DEAR SIR: At a regular meeting of Old Virginia Lodge, No. 492, Brotherhood of Railroad Trainmen, held April 1, unanimously voted in favor of Senate bill 5382, known as the workmen's compensation act. Our entire membership will greatly appreciate your influence and vote in favor of same. Our membership is more interested in the passage of this measure than any coming before the Senate in years. We are,

Respectfully, yours,

S. A. PATTERSON, *President,*
J. T. CASH, *Treasurer,*
Old Virginia Lodge 492, Brotherhood of Railroad Trainmen,
416 Eighth Avenue SW.

Mr. SWANSON. I present resolutions adopted by Division No. 250, Order of Railway Conductors, of Bristol, Va., which I ask may be read and lie on the table.

There being no objection, the resolutions were read and ordered to lie on the table, as follows:

Be it resolved by the members of Division No. 250, Order Railway Conductors, of Bristol, Va., That they are opposed to the passage of the bill known as the employees' compensation act.

Resolved further, That the Senators from this State be requested to read this resolution in the United States Senate.

[SEAL.]

Mr. O'GORMAN. I present resolutions indorsing the principle of the parcel post. I ask that the resolutions be read and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolutions were read and referred to the Committee on Post Offices and Post Roads, as follows:

INDORSING THE PRINCIPLE OF THE PARCEL POST.

NEW YORK STATE AGRICULTURAL SOCIETY,
May 1, 1912.

Senator JAMES A. O'GORMAN,
Senate Chamber, Washington, D. C.

SIR: I beg to transmit herewith for your attention and consideration the following resolution, adopted at a conference of delegates from producers' and consumers' organizations, representing many hundreds of thousands of citizens of this State.

This conference was held on April 19–20, in the rooms of the New York Board of Trade and Transportation, 203 Broadway, New York, N. Y., and was participated in by representatives of the following organizations:

Columbia University; Tribune Farmer; Glenwood Cooperative Stores (Inc.); Housewives' League; American Agriculturist; Bermuda Green Vegetable Growers' Association; agricultural department New York Central Railroad; Agricultural Education Association of Southern New York; Hudson River Fruit Exchange; Montclair Cooperative Store; Cooperative League of New York; Monmouth County Farmers' Exchange; Citizens' Committee of Food; Pomona Grange, Ulster County; Growers and Shippers' Exchange, Rochester, N. Y.; Flatbush Taxpayers' Association; Long Island Agricultural College; New York Association for Improving the Condition of the Poor; American Cooperative Stores Co., Ridgefield Park, N. J.; New York State College of Agriculture; Long Island Potato Exchange; State Grange; New York Vegetable Growers' Association; Western New York Horticultural Society, Rochester; City Club of New York; New York State Agricultural Society; Long Island Cauliflower Association.

The resolution adopted is as follows:

"Resolved, That this convention of representatives of 30 organizations of producers and consumers of food products, comprising many hundreds of thousands of the citizens of the State of New York, do emphatically demand of the Congress of the United States now assembled that laws be enacted forthwith providing a complete and adequate parcel and express post; it is further

"Resolved, That in the judgment of this convention a parcel and express post will materially reduce the present high cost of living, in that it will provide a means of direct delivery from producer to consumer of most of our food supplies; it is further

"Resolved, That any general parcel post and express law so enacted should be equally as liberal as any foreign system now in use and should contain equally as liberal privileges as are now enjoyed by any foreign country in its postal relations with the United States.

"Resolved, That the secretary of this convention is instructed to forward a copy of these resolutions to the Hon. ELIHU ROOT, the Hon. JAMES A. O'GORMAN, United States Senators from the State of New York, to the Hon. JONATHAN BOURNE, United States Senator from the State of Oregon, and to Senator GARDNER, United States Senator from the State of Maine."

Respectfully submitted.

HORACE V. BRUCE, *Secretary.*

Mr. OLIVER. I present a communication in the nature of a memorial from George H. McFadden & Bro., a large firm of shippers in the city of Philadelphia, remonstrating against the adoption of the Covington amendment to the bill regulating the passage of vessels through the Panama Canal. It is a short communication, and I ask that it be printed in the RECORD and referred to the Committee on Interoceanic Canals.

There being no objection, the communication was referred to the Committee on Interoceanic Canals and ordered to be printed in the RECORD, as follows:

PHILADELPHIA, PA., *April 27, 1912.*

We, the undersigned, being actively interested in business in New England which involves the transportation of merchandise to and from southern points to New England, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal provides that "it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government and in the authority granted to the Interstate Commerce Commission. We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England that, under proper restrictions, railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South. We believe that with the opening of the Panama Canal it is of greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf cities.

Therefore we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water and as thus retarding the development of New England's commerce with southern and Pacific ports, and we urge New England Congressmen to do everything in their power to defeat the amendment.

GEO. H. MCFADDEN & BRO.

Mr. GALLINGER presented a petition of Local Division No. 335, Order of Railway Conductors, of Concord, N. H., praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

Mr. OVERMAN presented a memorial of sundry citizens of Salisbury, N. C., remonstrating against the adoption of the so-called Taylor system of shop management in navy yards, which was referred to the Committee on Education and Labor.

Mr. LODGE presented a memorial of sundry cotton manufacturers of New England, remonstrating against the adoption of the Covington amendment to the Panama Canal bill, which was referred to the Committee on Interoceanic Canals.

Mr. WETMORE presented a petition of members of the Butchers, Grocers, and Marketmen's Association, of Providence, R. I., praying for the removal of the tax on oleomargarine, which was referred to the Committee on Agriculture and Forestry.

Mr. NIXON presented a memorial of Local Branch, National League for Medical Freedom, of Reno, Nev., and the memorial of J. B. Giffen, of San Francisco, Cal., remonstrating against the establishment of a national bureau of health, which were ordered to lie on the table.

Mr. FLETCHER presented a petition of the congregation of the Methodist Episcopal Church of Miami, Fla., and a petition of the Woman's Christian Temperance Union of Jacksonville, Fla., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Division No. 196, Order of Railway Conductors, of Jacksonville, Fla., and a memorial of Local Division No. 458, Order of Railway Conductors, of Lakeland, Fla., remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table.

Mr. CLAPP presented a petition of members of the Live Stock Exchange, of South St. Paul, Minn., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. STEPHENSON presented a memorial of members of the Calumet County Union, Wisconsin, remonstrating against a reduction of the tax on oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of members of the Progressive League, of Chippewa Falls, Wis., remonstrating against a reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented a petition of the State Federation of Labor of Wisconsin, praying for the enactment of legislation to provide for an investigation into the transportation and sale of coal, which was referred to the Committee on Interstate Commerce.

He also presented a petition of members of the State Board of Agriculture of Wisconsin, praying for the enactment of legislation to provide for the encouragement of agriculture, horticulture, and industrial exhibits in the various States, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Milwaukee, Baraboo, West Allis, Fond du Lac, Oshkosh, and Ripon, all in the State of Wisconsin, remonstrating against the establishment of a national bureau of health, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Wisconsin, praying for the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented resolutions adopted by the faculty of the State Normal School, of Stevens Point, Wis., praying for the enactment of legislation providing for vocational education, which were ordered to lie on the table.

Mr. PENROSE presented a petition of the congregation of the Memorial Baptist Church, of Philadelphia, Pa., praying for the enactment of legislation to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. GARDNER presented a telegram, in the nature of a memorial, from sundry citizens of Portland, Me., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of Mountain Grange, of Buckfield; Morning Light Grange, of Monroe; and Evening Star Grange, of Union; and of local granges of Lincolnville, Otisfield, Portage, Edgecomb, Oxford, and Yarmouth, Patrons of Husbandry, and of sundry citizens of Goldenridge, Hope, Rockport, Martinsville, and Perry, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Dover and Foxcroft, in the State of Maine, remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. CULLOM. I present a large number of memorials, numerously signed by citizens of Chicago, Peoria, Elgin, Bloomington, Aurora, Moline, Kirkwood, Oak Park, St. Charles, Rock Island, Hinsdale, Springfield, Saybrook, and Champaign, in my State, remonstrating against the passage of Senate bill No. 1, known as the Owen medical bill. I ask that the memorials lie on the table and that the body of one of the memorials be printed in the RECORD, omitting the signatures.

There being no objection, the memorials were ordered to lie on the table, and the body of one of the memorials was ordered to be printed in the RECORD, as follows:

To the Congress of the United States of America,
Washington, D. C.:

We, the undersigned citizens of the United States of America, State of Illinois, do hereby vigorously and emphatically protest against the passage of Senate bill No. 1, introduced by Senator OWEN, providing for the establishment of an independent bureau of health or other similar medical legislation, for the following reasons:

First. We believe that the present Public Health and Marine-Hospital Service has all the power and authority necessary. There is no demand from the people for legislation of this character. Political physicians simply want to increase their power over the individual citizen.

Second. We protest against any extension of the health activities of the Government for the reason that it is unnecessary. The United States Public Health and Marine-Hospital Service combined with the highly efficient service rendered by the State boards of health is able to meet all demands. Further legislation would be useless and would involve an endless expenditure of public moneys.

Third. It provides another agency to interfere with the rights of the individual citizen. The States under the Constitution are intrusted with the conduct of their internal health affairs.

Fourth. The proposed legislation would be an entering wedge for the creation of an immense bureau or department whose influence would be utilized by an interested organization, the American Medical Association. State medicine is as obnoxious to American citizens as State religion.

Fifth. The bill creates three new subdivisions without containing provisions for their organization and powers. It provides for the dissemination of theories at the expense of taxpayers.

Sixth. Once this bill is passed there is nothing to prevent the consolidation of all health activities on the order of the President. Congress refused to create a national department, yet under the Owen bill all agencies desired in the national department may be transferred on presidential order.

Mr. BRADLEY presented petitions of sundry citizens of Lexington, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

DEPARTMENT OF PUBLIC HEALTH.

Mr. CULBERSON. Mr. President, as chairman of the Committee on Public Health and National Quarantine I have received a number of protests from people of the State of Oklahoma against the passage of what is known as the Owen public health bill, with a special request that I present them to the Senate. I do so, asking that the substance of the memorials be printed in the RECORD, and not copying the names, of course, but that a note of the signatures may be made.

The VICE PRESIDENT. Without objection, that procedure will be had.

The memorials presented by Mr. CULBERSON are as follows:

From 84 citizens of Boley, 22 citizens of Oklahoma City, 5 citizens of Yale, 58 citizens of Chandler, 57 citizens of Oklahoma City, 40 citizens of South Coffeyville, 43 citizens of Boley, 15 citizens of Oklahoma City, 34 citizens of Norman, 28 citizens of Kiefer, 15 citizens of Oklahoma City, 12 citizens of Higley, 10 citizens of Okmulgee, 32 citizens of Morrison, 40 citizens of Oklahoma City, 112 citizens of Jennings, 23 citizens of Purcell, 43 citizens of Chelsea, 30 citizens of Enid, 14 citizens of Carmen, 21 citizens of Cherokee, 14 citizens of Oklahoma City, 28 citizens of Amber, 116 citizens of Lawton, 41 citizens of Lindsay, 29 citizens of Oklahoma City, 67 citizens of Stillwater, 96 citizens of Lawton, 46 citizens of Bartlesville, 35 citizens of Chickasha, 23 citizens of Lawton, 64 citizens of Oklahoma City, 41 citizens of Chickasha, 26 citizens of Enid, 13 citizens of Oklahoma City, 55 citizens of Poteau, 40 citzens of Oklahoma City, 22 citizens of El Reno, 14 citizens of Oklahoma City, 24 citizens of Bartlesville, 40 citizens of Ardmore, 7 citizens of Oklahoma City, 43 citizens of Ardmore, 15 citizens of Oklahoma City, 11 citizens of Perry, 61 citizens of Oklahoma City, 43 citizens of Wagoner, 13 citizens of Oklahoma City, 62 citizens of Chickasha, 32 citizens of Oklahoma City, 29 citizens of Wagoner, 43 citizens of Oklahoma City, 39 citizens of Chickasha, 16 citizens of Chandler, 20 citizens of Chickasha, 37 citizens of Oklahoma City, 12 citizens of Carmen, 39 citizens of Oklahoma City, 52 citizens of Guthrie, 36 citizens of Oklahoma City, 28 citizens of Woodward, 11 citizens of Oklahoma City, 27 citizens of Pawhuska, 8 citizens of Oklahoma City, 30 citizens of Guthrie, 5 citizens of Oklahoma City, 17 citizens of Walter, 21 citizens of Oklahoma City, 30 citizens of Tulsa, 13 citizens of Oklahoma City, 45 citizens of Wagoner, 23 citizens of Oklahoma City, 46 citizens of Stillwater, 8 citizens of Oklahoma City, 57 citizens of Stillwater, 52 citizens of Oklahoma City, 61 citizens of Ames, 32 citizens of Oklahoma City, 5 citizens of Britton, 9 citizens of Oklahoma City, 9 citizens of Claremore, 32 citizens of Oklahoma City, 90 citizens of Chandler, 14 citizens of Oklahoma City, 6 citizens of Britton, 4 citizens of Oklahoma City, 21 citizens of Ardmore, 23 citizens of Oklahoma City, 44 citizens of Shawnee, 13 citizens of Oklahoma City, 35 citizens of Stroud, 22 citizens of Oklahoma City, 43 citizens of Quapaw, 41 citizens of Oklahoma City, 31 citizens of Pond Creek, 31 citizens of Oklahoma City, 14 citizens of Pawnee, 48 citizens of Oklahoma City, 23 citizens of Orlando, 43 citizens of Oklahoma City, 26 citizens of Muskogee, 33 citizens of Oklahoma City, 2 citizens of Pawnee, 20 citizens of Oklahoma City, 28 citizens of Seminole, 49 citizens of Oklahoma City, 45 citizens of Shawnee, 43 citizens of Oklahoma City, 49 citizens of Shawnee, 45 citizens of Oklahoma City, 39 citizens of Lawton, 44 citizens of Oklahoma City, 18 citizens of Mangum, 37 citizens of Oklahoma City, 71 citizens of Miami, 102 citizens of Muskogee, 33 citizens of Oklahoma City, 86 citizens of Shawnee, 16 citizens of Oklahoma City, 18 citizens of Fairview, 89 citizens of Oklahoma City, 41 citizens of Fairfax, 33 citizens of Oklahoma City, 53 citizens of Glencoe, 17 citizens of Oklahoma City, 43 citizens of Guthrie, 11 citizens of Oklahoma City, 45 citizens of Guthrie, 17 citizens of Oklahoma City, 58 citizens of Guthrie, 8 citizens of Oklahoma City, 44 citizens of Guthrie, 7 citizens of Oklahoma City, 86 citizens of Idabel, 17 citizens of Oklahoma City, 131 citizens of Lawton, 58 citizens of Oklahoma City, 49 citizens of Enid, 44 citizens of Oklahoma City, 1 citizen of Edmond, 16 citizens of Oklahoma City, 59 citizens of Davenport, 37 citizens of Oklahoma City, 25 citizens of Davenport, 22 citizens of Oklahoma City, 37 citizens of Cushing, 19 citizens of Oklahoma City, 40 citizens of Cushing, 36 citizens of Oklahoma City, 37 citizens of Collinsville, and 20 citizens of Oklahoma City, all remonstrating against the passage of the bill (S. 1) to establish a department of health, and for other purposes.

Mr. OWEN. Mr. President, I wish to put in the RECORD with regard to these alleged protests against Senate bill No. 1, establishing a public health service, my comment that the protest is based upon the false theory that the health service of the United States would be "admittedly under the control of one school of medicine" and "ultimately abridge the right of the individual citizen to choose the practitioner of his choice in times of illness."

That suggestion is not true. The bill expressly provides the contrary—that the health service shall have nothing to do with controlling the practice of medicine; that it shall not interfere with the right of the citizen to choose his own practitioner; that it shall not interfere with the practitioner of any school of medicine or of healing to practice his profession. That matter being confessedly in the control of the police powers of the State need not to have been negatived by the bill itself, but out of abundant caution and for the reason that that contention had been made the bill does provide that no interference shall be made with any citizen in choosing his practitioner or in practicing any method of healing.

The bill, in fact, does not enlarge the powers now existing in the Bureau of Public Health and Marine-Hospital Service and "Vital Statistics" and in the administration of the pure food and drugs act. These departments are merely brought together in an independent bureau, so as to coordinate their activities and to make more economical and more efficient their administration.

The obvious mechanical and artificial character of these protests I call attention to. The protest which I have in my hand came from Boley, Okla., a little village which I know very well. This protest, like all the others, is based on gross error and obvious misinformation.

The objection which I make is that this protest is based upon the theory that it would interfere with the liberty of the citizen and of the practitioner above referred to and upon the further assertion that such a bureau or department would not only be expensive, which is not true, but that it could in nowise do more effective work than the present bureau, which is also not true.

The statement that there is no public demand for such legislation is also not true, because the public demand has been so great that it represents practically the opinion of a very great majority of the people of the United States, made obvious not only by resolutions of societies devoted to the public health, by the action taken by the various great insurance companies of this country who are concerned in prolonging the life of the policy holders, and of the various societies devoted to the cure and prevention of illness throughout the United States, but it is also made obvious by the declarations of the various great political parties, including the Republican Party in its national platform and the Democratic Party in its national platform.

For many years the question of establishing an independent public health service has been under vigorous and active discussion throughout the United States. The matter was discussed on the floor of the Senate during the last Congress, under Senate bill 6049, on various occasions. Repeated hearings have been held by the Committee on Public Health and National Quarantine of the Senate, and numerous bills have been introduced in Congress bearing upon this question which have been thoroughly considered in the committees of both Houses.

Great organizations have arisen throughout the United States urging the improvement of the public health service. The Republican platform of 1908 gives assurance to this element of the Nation in the following words:

> We commend the efforts made to secure greater efficiency in national public health agencies and favor such legislation as will effect its purpose.

The Republican platform of the State of Ohio declared expressly in favor of—

> The organization of all existing national health agencies into a single national public health department.

In Connecticut and other States similar declarations in party platforms have been made.

The Democratic national platform in 1908, in like manner, states:

> We advocate the organization of all existing national public health agencies into a national bureau of public health, with such power over sanitary conditions connected with factories, mines, tenements, child labor, and such other conditions connected with and in the jurisdiction of the Federal Government, and which do not interfere with the power of the States controlling public health agencies.

The Committee of One Hundred of the American Association for the Advancement of Science, consisting of the most distinguished philanthropists, editors, lawyers, churchmen, educators in the United States, and the American Medical Association, with 80,000 members or associates of men learned in questions of health, advocate the following national platform plank:

> Believing a vigorous, healthy population to be our greatest national asset and that the growth, power, and prosperity of the country depends primarily upon the physical welfare of its people and upon their protection from preventable pestilences of both foreign and domestic origin and from all other preventable causes of disease and death, including the sanitary supervision of factories, mines, tenements, child labor, and other places and conditions of public employment or occupation involving health and life, we advocate the organization of all existing national public health agencies into a national department of public health, with such powers and duties as will give the Federal Government control over public health interests not conserved by and belonging to the States, respectively.

All the great insurance companies of the United States approve this plan, and many of them have started life conservation departments of their own.

President Roosevelt said, in regard to the legislation increasing the power of the Federal Government in relation to the public health:

> I hope to see the National Government stand abreast of the foremost State governments.

President Taft, in his speech at Albany, N. Y., March 19, 1910, argued in favor of the constitutional right to etsablish a bureau of health, and has recommended the establishment of an independent health service.

Such men as Hon. R. S. Woodward, of the Carnegie Institution; Hon. Charles W. Eliot, ex-president of Harvard University; Col. W. C. Gorgas, chief sanitary officer of Panama; and the leading health commissioners of the various States strongly approve the idea of the establishment of an independent health service.

Human life could be prolonged an average to our entire population of 14 years in the United States if the people were properly informed in self-preservation, as was demonstrated in the report on national vitality.

The annual death loss in the United States is approximately seven to the thousand in excess of what it should be under improved conditions, making an unnecessary loss of life in 90,000,000 of people of approximately 630,000 men, women, and children annually whose lives ought to be saved.

This loss, upon any reasonable basis, may easily be estimated at the commercial value of two thousand millions of dollars annually.

Nearly as great a loss is due to the loss of efficiency and the loss of productive power of nearly 3,000,000 persons who are sick on an average during the year and who must be cared for during such preventable illness.

The pension roll, which costs the United States over $160,000,000 annually, is three-fourths due to death and disease which was preventable.

During the Spanish War in four camps—Chickamauga, Alger, Meade, and Jacksonville—there were over 19,000 cases of typhoid fever, with a loss of 1,460 of the finest young men in America, nearly all of which was preventable.

The preventable deaths in the United States were caused by polluted water, impure and adulterated foods and drugs, foul air, bad ventilation, ignorance of the health laws, of hygiene, of exercise, of foods, and of self-care, and to epidemics and various preventable diseases, such as tuberculosis, typhoid and malarial fevers.

A splendid illustration of what can be done is shown in the control of yellow fever in Cuba. In 1896 yellow-fever deaths in Habana, Cuba, amounted to 600 to the hundred thousand, but after the American occupation and the great discovery of James Carroll, Lazier, Walter Reed, and Agrimonte the death rates fell—in 1900, to 124; 1901, to 6; in 1902, to 0; in 1903, to 0; in 1904, to 0.

Except for this discovery it would have been impossible for the United States to have built the Panama Canal, and on the Panama Canal the death rate, even in that tropical country, is not much more than one-half what it is in the United States.

This bill provides that the health service shall not interfere with any of the functions belonging exclusively to the States, nor permit anyone to enter the premises of private persons without the permission of the owner or occupant thereof, and shall have no power to regulate the practice of medicine or the practice of healing, or to interfere with the right of a citizen to employ the practitioner of his choice, or to make any discrimination in favor of or against any school of medicine or of healing.

The opposition which has been stirred up against the establishment of an independent health service has proceeded upon the assumption that the health service would have the right under this bill to interfere with the citizen in employing the practitioner of his own choice or to interfere with the States in the regulation of the practice of medicine or the practice of healing. The Constitution offers abundant protection against these apprehended evils, and the bill permits nothing of the sort. It forbids it.

These protests do not represent the sentiment of the country. The opinion of the people on this question is set forth in Senate Document No. 637, Sixty-first Congress, second session, which contains over 200 pages of abstracts from resolutions of innumerable societies from the various States and from the opinions of leading public men, such as Bryan, Roosevelt, Taft, Cleveland, Gorgas, Wiley, and so forth.

The Senator from Washington [Mr. JONES] put into the RECORD some adverse telegrams, but the following telegram shows that these telegrams do not express the sentiment of the community:

SEATTLE, WASH., *May 1, 1912.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

The trustees of the King County Medical Society sent the following telegram to Senator JONES: "Beg to remind you of letter of December 28, 1911, from King County Medical Society, representing 330 physicians practicing nonsectarian medicines, requesting your support of the Owen bill. Your telegrams read in Senate recently do not express the sentiment of the community." We desire to thank you for your attitude on this great question of public health.

R. W. PERRY,
P. V. VON PHUL,
J. C. MOORE,
R. J. O'HEA,
J. B. MANNING,
H. E. ALLEN,
Trustees King County Medical Society.

It can not be said truly that there is no sentiment for this measure. Our country is the only one in the world that is so far behind in the protection of the health of the country by a proper health service.

I call the attention of the Senate to the fact that while the disaster on the *Titanic* was a terrific destruction of life, the loss by the *Titanic* of 1,700 persons which so shocked the world is actually less than the daily unnecessary loss in the United States of human life by preventable illness. Every day of the year over 1,700 people die by preventable diseases in this country, whose lives could be saved if we had an intelligent administration and if we took more pains to instruct the public in the well-known laws governing human life, which ought to be made as public as the bulletins on the care of our swine against disease.

The Rockefeller Sanitary Commission has been studying the question of hookworm all over the world, and has caused to be made a world-wide investigation into this disorder.

The treatment of this disease is comparatively recent.

Nine hundred millions of the sixteen hundred millions of people on the globe live in countries which are infected by this disorder.

In certain States of the Union, or in certain localities in certain States where a thorough survey has been made, the percentage of children affected by this disease has come as high as 90 per cent, covering the cases of rural children between the ages of 6 and 18.

The number of cases actually diagnosed by the commission itself has been very large, and this work has been done through the State boards of health, which have been taking great interest in the matter.

The number of cases treated last year was over 142,000. It is comparatively easy to cure it.

Within the last three months over 23,000 recorded cases have been treated by the State organization in eight States.

I remind the Senate that when I suggested, two years ago, the prevalence of this disorder in two particular States in the Union—which I need not mention—a Senator from each of those States undertook to deride and ridicule this statement on the floor of the Senate.

The cooperation of State authorities, local authorities, the press, and all classes of citizens of the States affected has become admirable.

I suggest to the Senator from California that it would not suffice to put a corps of Christian Science healers in the field to deal with the hookworm, although I do not object to their activities so long as the world has access to other methods of healing.

Mr. President, I do not wish to have this matter passed by without making a comment upon this character of alleged protest, because these so-called protests are based upon untruth, and the citizens of the country are being misled by statements which are not only false, but are instigated by the Patent Medicine Trust and the enemies of the pure food and drug laws, who can easily excite those who are innocent of wrong purpose to oppose this bill on the absurd theory of "medical freedom."

I enter my protest against memorials based upon statements and conclusions which are obviously untrue. The ordinary citizen signing these petitions does not know that these statements and conclusions are untrue, and therefore may be easily induced to sign the petitions. He has not the bill before him. He has not had the opportunity of studying this measure. He does not know the facts nor the great need for this measure.

I therefore think it proper to put upon the record at the time of the delivery of these petitions my comment upon them.

Mr. President, I think that Senate bill No. 1, against which these petitions are filed, is a matter of such grave national importance that it is the duty of the Members of the Senate to examine that bill and to examine the testimony which has been submitted in connection with it. It has been printed in the form of Senate documents. They are available, and I hope the Senate will, before acting upon the matter, at least give it the patient and conscientious consideration which a measure of this great importance deserves.

I should like to ask that Senate bill No. 1 go over until the first Monday in December.

Mr. SMOOT. Mr. President, in making that request I would not wish the Senator to think that by going over until December there would be no movement on the part of certain members of the committee to pass the bill I introduced and which I expected at the time the Senator's bill is to be discussed to offer as a substitute for that measure. If this bill goes over until next December, then I will ask the Senate to consider the bill I have introduced and which I expected to offer as a substitute for the Senator's bill.

Mr. OWEN. I should be quite content, Mr. President, to make the Senate bill the unfinished business and take it up at once.

Mr. SMOOT. That would be perfectly satisfactory; but, of course, that could not be done.

Mr. OWEN. I ask unanimous consent that that be done.

Mr. SMOOT. That can not be done, because we have unfinished business at the present time.

Mr. OWEN. It may be made the unfinished business, subject to the existing order. I make that motion, if that be the only objection of the Senator from Utah.

Mr. SMOOT. I did not make the metal schedule bill the unfinished business, nor did I ask that it be made the unfinished business, but the Senator from North Carolina [Mr. SIMMONS] asked that it be made the unfinished business.

Mr. SIMMONS. I beg pardon of the Senator from Utah. I was not listening to the first part of his statement.

Mr. SMOOT. The Senator from Oklahoma asked that Senate bill No. 1, creating an independent bureau of health, be made the unfinished business.

Mr. OWEN. Subject to the existing order.

Mr. SIMMONS. I do not see how that could be done.

Mr. SMOOT. I called the Senator's attention to the fact that there is already a bill which has been made the unfinished business, and I did not see how that could be done.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. I yield to the Senator from Idaho.

Mr. HEYBURN. Senators are speaking of making this matter or that the unfinished business as though it could be done by the Senate. You can not make anything the unfinished business by motion or by unanimous consent. Unfinished business is the result of the automatic action of the rules and procedure in the Senate. If we were to attempt to make this bill the unfinished business, any objection in December or at any other time would destroy that attempted action.

Mr. SMOOT. Or destroy it now.

Mr. HEYBURN. There is no such thing possible under the rule. Is there talk about the tariff bill having been made the unfinished business on somebody's motion? It was not done; it can not be done.

Mr. SMOOT. It was not done on motion.

Mr. HEYBURN. It can not be done on anybody's motion at any time.

Mr. SMOOT. It was the request of the Senator from North Carolina the day before, and then through the procedure of the Senate after the morning hour it was taken up, and it necessarily became the unfinished business.

Mr. HEYBURN. It can not be done on request; it can not be done by acquiescence.

Mr. OWEN. I withdraw my suggestion, Mr. President.

Mr. HEYBURN. With the Senator's permission, inasmuch as I interrupted him, I want to finish the statement, because it should be better understood than it seems to be. No request, no acquiescence, no unanimous consent can make any measure the unfinished business. The unfinished business is a condition that results from the status of a bill at a certain hour and time, and it would result in the face of all of the objections and could not be augmented by any motion.

Mr. SMOOT. That is true.

Mr. OWEN. Mr. President——

Mr. HEYBURN. We lose sight of that sometimes in talking about agreeing to make something unfinished business. We could not agree to that either by unanimous consent or by vote.

Mr. OWEN. I would be glad, Mr. President, to be permitted to acquiesce for the present in the views of the Senator from Idaho.

Mr. HEYBURN. Some one was proposing to move just in the opposite direction, and I thought it well enough to point it out.

The VICE PRESIDENT. The Senator from Oklahoma withdraws his second request. His first request is that further action upon Senate bill No. 1 be postponed until the first Monday in December next.

Mr. SMOOT. Mr. President, I object to that.

The VICE PRESIDENT. Objection is made.

REPORTS OF COMMITTEES.

Mr. SMITH of Arizona, from the Committee on Public Lands, to which was referred the bill (S. 6245) to provide for an enlarged homestead entry in Arizona where sufficient water suitable for domestic purposes is not obtainable upon the lands, reported it without amendment and submitted a report (No. 690) thereon.

Mr. PAGE, from the Committee on Indian Affairs, to which was referred the bill (S. 338) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes, reported it with amendments and submitted a report (No. 691) thereon.

Mr. CURTIS, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors (Rept. No. 692); and

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 693).

Mr. CURTIS, from the Committee on Pensions, to which were referred sundry bills granting pensions and increase of pensions, submitted a report (No. 694), accompanied by a bill (S. 6646) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills, heretofore referred to that committee:

S. 44. William S. Brown.
S. 349. Albert D. Scovell.
S. 514. George W. Graham.
S. 712. Peter C. Johnson.
S. 717. Susannah Sprague.
S. 1054. William F. Hoffman.
S. 1756. Richard Johnson (alias Curry).
S. 1764. Samuel N. Black.
S. 1921. John B. Farris.
S. 1922. Nelson Coffen.
S. 1969. Himanus De Witt.
S. 2077. Sumner R. Tarbox.
S. 2141. Tillman Settles.
S. 2285. William Hobbs.
S. 2436. Henry A. Dennis.
S. 2521. John Duebenhorst.
S. 2646. George Simpson.
S. 2650. Elise G. Irving.
S. 2879. Francis M. Dean.
S. 2938. Thomas M. Boylan.
S. 3081. Riley Small.
S. 3082. John Adkins.
S. 3093. Thomas B. Davis.
S. 3097. John C. Porter.
S. 3109. David Poffenbarger.
S. 3181. Joseph T. Reno.
S. 3185. Joseph D. Miller.
S. 3204. Job Snyder.
S. 3272. Alva M. Cunningham.
S. 3333. John F. Sowards.
S. 3418. Levi Page.
S. 3541. John H. Wood.
S. 3612. Gustus F. Johnson.
S. 3653. Silas Wilder.
S. 3654. John A. Doan.
S. 3808. Mary E. Lincoln Bradburn.
S. 3823. Joseph Harbaugh.
S. 3832. Bluford S. Jones.
S. 3853. Ursilla G. Underwood.
S. 3860. Taylor Vance.
S. 3861. Mary A. Heflin.
S. 3862. Elijah Cox.
S. 3863. Isaac R. Storm.
S. 3990. Miles J. Burns.
S. 4170. William Hill.
S. 4175. Laurentine V. Tarvin.
S. 4321. William R. Evans.
S. 4480. Barlow A. McCoy.
S. 4527. Falty Livers.
S. 4715. Sara A. Haskell.
S. 4736. David Curfman.
S. 4737. David Cleaver.
S. 4772. Olive A. Cordon.

S. 4908. Henry K. Brawner.
S. 5083. William L. Hines.
S. 5109. Mary A. Herrington.
S. 5130. Henry Grady.
S. 5195. Balaam Fox.
S. 5356. Ellis Miller.
S. 5454. Spear S. Zenor.
S. 5532. William Douglas.
S. 5567. Thomas S. Cogley
S. 5576. August Runge.
S. 5577. Louisa Balgenoth.
S. 5661. Jefferson Wykoff.
S. 5694. Robert F. C. Evans.
S. 5695. James D. Calahan.
S. 5698. Samuel J. Dyer.
S. 5701. Joseph D Taylor.
S. 5747. Collins Blake.
S. 5782. Minnie D. Dobbins.
S. 5801. James D. Boyles.
S. 5803. John G. Thompson.
S. 6003. Reuben E Chapman.
S. 6013. James J. Gallaway.
S. 6014. James W. Jones.
S. 6018. William H. White.
S. 6050. Sarah I. Dunahey.
S. 6051. Charles Heller.
S. 6052. Jerusha Morgan.
S. 6053. James B. Bryant.
S. 6058. Francis M. Hockinbery.
S. 6067. Francis E. Stratton.
S. 6086. Jane Smith.
S. 6102. Francis McCabe.
S. 6112. Jacob M. Roberts.
S. 6114. Samuel E. Prather.
S. 6123. Ada P. Armstrong.
S. 6158. Joseph Nye.
S. 6181. Darwin A. Webb.
S. 6182. William W. Follansby.
S. 6186. Horatio N. Merritt.
S. 6190. Isaac N. Gerhart.
S. 6215. John S. Varney.
S. 6216. Patrick Conley.
S. 6237. Alfred C. Taft.
S. 6240. Elvira Mizee.
S. 6241. John A. Andrews.
S. 6243. Andsell H. Beam.
S. 6250. George F. Brown.
S. 6253. Miranda A. Hishley.
S. 6254. John F. Miller.
S. 6255. John L. Taylor.
S. 6257. Ellis Gully.
S. 6258. Ellis T. Padget.
S. 6264. Pleasant W. Lowe.
S. 6282. Charles K. Conard.
S. 6288. Joseph Walters.
S. 6331. William J. Percy.
S. 6334. Thomas Coats.
S. 6348. Byron F. Nutten.
S. 6349. John H. Kingsley.
S. 6356. Frealing Walker.
S. 6394. Alvord Peck.
S. 6397. William W. Gaines.
S. 6399. Solomon Butler.
S. 6401. James W. Lowrie.
S. 6407. Edwin J. Trobridge.
S. 6418. James P. Jones.
S. 6419. George P. Love.
S. 6436. John Ryan.
S. 6438. Samuel E. Stainbrook.
S. 6442. Henry C. Miller.
S. 6445. Homer McC. Summerville.
S. 6455. Winfield S. Flint.
S. 6461. Benjamin F. Philbrick.
S. 6468. Henry M. Bennett.
S. 6469. James W. Pendleton.
S. 6484. Ralph A. Thompson.
S. 6486. William H. H. Brown.
S. 6568. John J. Mercer.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 5952) to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the lands, reported it without amendment and submitted a report (No. 695) thereon.

SAVANNAH RIVER DAMS.

Mr. NELSON. I am directed by the Committee on Commerce, to which was referred the bill (S. 5930) to extend the time for completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, to report it favorably with an amendment, and I submit a report (No. 689) thereon. I call the attention of the senior Senator from Georgia to the report.

Mr. BACON. As this is a very short bill, and important work is suspended on account of the lack of this legislation, I ask for its present consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with an amendment, in section 1, page 2, line 2, after the word "two," to insert the following proviso:

Provided further, That any dam built under authority of the said act shall be constructed, maintained, and operated subject to and in all respects in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906," and no dam shall be constructed except in conformity to plans which may be hereafter approved by the Secretary of War and the Chief of Engineers.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted for the extension of the time allowed to the Twin City Power Co. to construct dams across the Savannah River, authorized by an act of February 29, 1908, until three years from the date fixed in the original act for its completion, to wit, February 29, 1916: *Provided*, That under the approval of the Secretary of War upon plans and specifications to be submitted, the said corporation may at its option develop its contemplated water power by the construction of one dam in lieu of two: *Provided further*, That any dam built under authority of the said act shall be constructed, maintained, and operated subject to and in all respects in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906"; and no dam shall be constructed except in conformity to plans which may be hereafter approved by the Secretary of War and the Chief of Engineers.

SEC. 2. That the right to amend, alter, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 6647) for the relief of the estate of Conrad Gehrke; to the Committee on Claims.

A bill (S. 6648) granting a pension to R. J. Jamison; and

A bill (S. 6649) granting an increase of pension to William L. Benson (with accompanying paper); to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 6650) for a site and the erection of a public building at Ripon, Wis.; to the Committee on Public Buildings and Grounds.

A bill (S. 6651) granting an increase of pension to William O. Sutherland; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 6652) granting an increase of pension to William A. Reeves (with accompanying papers);

A bill (S. 6653) granting an increase of pension to Joseph R. Shannon (with accompanying paper); and

A bill (S. 6654) granting a pension to Halle W. Dale, alias Thomas Booker (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 6655) for the relief of Lester A. Rockwell; to the Committee on Military Affairs.

By Mr. O'GORMAN:

A bill (S. 6656) for the relief of the estates of Elias Jacobs and Anna C. Brown; to the Committee on Claims.

A bill (S. 6657) granting a pension to Clara L. A. Read (with accompanying paper); to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 6658) to provide for emergency crops on overflowed lands in the south Mississippi Valley; to the Committee on Agriculture and Forestry.

Mr. FALL introduced a bill (S. 6659) creating the Mescalero National Park in New Mexico, and providing for the allotment of certain lands in severalty to the Mescalero Apache Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. HEYBURN subsequently said: A moment ago I thought I heard a bill for the creation of a national park referred to the Committee on Indian Affairs. I might, however, have been mistaken.

The VICE PRESIDENT. The Senator from New Mexico, who introduced the bill, will explain its object.

Mr. FALL. The bill to which the Senator from Idaho refers provides for the creation of a national park on the Mescalero Apache Indian Reservation in New Mexico, and for the allotment of certain lands in severalty to the Indians.

Mr. HEYBURN. Such bills go to the Committee on Public Lands. This is to be made a park because these are to be public lands.

Mr. FALL. I have no objection to the reference of the bill to the Committee on Public Lands.

The VICE PRESIDENT. The bill will be referred to the Committee on Public Lands.

By Mr. MARTINE of New Jersey:

A bill (S. 6660) granting an increase of pension to James V. D. Ten Eyck (with accompanying papers); to the Committee on Pensions.

By Mr. DAVIS:

A bill (S. 6661) granting an increase of pension to Charles W. Kerlee (with accompanying paper); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6662) granting an increase of pension to Mathew Isaacs (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6663) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Affairs.

A bill (S. 6664) granting a pension to Annie H. Ross (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6665) granting an increase of pension to Frank S. Biays (with accompanying paper); and

A bill (S. 6666) granting an increase of pension to Harry H. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6667) granting an increase of pension to Susie C. Hellner; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 6668) granting an increase of pension to Samuel H. Craig; and

A bill (S. 6669) granting an increase of pension to Curtis Stimpson; to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 6670) granting an increase of pension to James G. A. Middleton (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6671) granting a pension to Edgar E. Cummings; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 6672) to authorize the president and directors of the Georgetown Gaslight Co. to lay a gas main in and along the Conduit Road from a point beginning at the existing gas main in the Foxhall and the Conduit Roads to the District line; to the Committee on the District of Columbia.

By Mr. CRANE:

A bill (S. 6673) granting an increase of pension to James O. Taylor (with accompanying papers); and

A bill (S. 6674) granting an increase of pension to Catherine J. Orr; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6675) to grant an honorable discharge to Philip Cook; to the Committee on Military Affairs.

A bill (S. 6676) granting an increase of pension to Marion Franklin; and

A bill (S. 6677) granting an increase of pension to Abraham Bowman (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 6678) authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to perform the engineering work necessary for the construction of a canal between Lake Erie and the Ohio River, and for other purposes; to the Committee on Commerce.

By Mr. BRADLEY:

A bill (S. 6679) granting an increase of pension to Thomas Maupin (with accompanying paper); to the Committee on Pensions.

By Mr. MARTINE of New Jersey (by request):

A joint resolution (S. J. Res. 104) to provide for a more efficient and economical prosecution of work in, and consolidation of, certain services under control of the Navy Department, and for other purposes; to the Committee on Naval Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate $50,000 for a survey and system of roads for the proper development of the Mount Rainier National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Lands and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $100,000 for the establishment of an agricultural plant and experiment station at or near the city of Mandan, N. Dak., etc., intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was ordered to lie on the table and to be printed.

OMNIBUS CLAIMS BILL.

Mr. SWANSON (for Mr. MARTIN of Virginia) submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

ANNA I. WOOD.

Mr. RAYNER submitted the following resolution (S. Res. 303), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Anna I. Wood, widow of the late Thomas Wood, laborer of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

DEPARTMENT OF HEALTH.

Mr. OWEN. I ask that 25,000 copies of Senate Report No. 619 on Senate bill No. 1 be printed.

The VICE PRESIDENT. Without objection, the order requested by the Senator from Oklahoma will be entered.

Mr. GALLINGER. Mr. President, I ask the Senator from Oklahoma if there have not been a pretty liberal number of copies of that bill already printed?

Mr. OWEN. I do not know of any extra copies of the bill being printed. I do not think any copies of the report have been printed for distribution. The report is only seven pages and would hardly cost a dollar a thousand.

Mr. GALLINGER. Is the order requested for the printing of the bill or of the report?

Mr. OWEN. It is for the report, which includes the bill as a part of the report.

Mr. GALLINGER. Has that bill been reported favorably to the Senate?

Mr. OWEN. Yes, sir; it is a very short report, and, as I have said, I do not suppose it would cost a dollar a thousand to print it. A good many people are petitioning Congress under the impression that this is a bad bill, and I should like to have the report printed so as to enable them to become informed with regard to its contents and to learn that it is really a good bill.

Mr. GALLINGER. I have not had any calls with regard to it as yet, and I wondered if we wanted 25,000 copies. We are dealing in thousands here very thoughtlessly, I think, in regard to printing documents. Does not the Senator think that 5,000 copies would answer the purpose for the present?

Mr. OWEN. I would be content with that number, although I think there were a thousand names, more or less, sent in here this morning in communications regarding this matter on petitions which are being artificially manufactured, and I thought it would be well to send these petitioners the bill itself.

Mr. GALLINGER. That, I should think, would be "Love's labor lost," probably.

The VICE PRESIDENT. Without objection, the order will be for printing 5,000 copies.

Mr. HITCHCOCK. I should like to make an inquiry. I think it is wise to have a considerable number of copies

printed, but I should like to inquire whether the views of the minority were filed at the same time?

Mr. OWEN. The minority submitted no views.

Mr. HITCHCOCK. As I understand, the report was not unanimous.

Mr. OWEN. That is true, but there were no minority views submitted.

Mr. HITCHCOCK. There were not?

Mr. OWEN. No.

Mr. SMOOT. I wish to say to the Senator that while there were no minority views filed, there were members of the committee who reserved the right to oppose the bill upon the floor and to offer a substitute for it.

Mr. OWEN. Oh, yes; the Senator from Utah intends to move a substitute for the bill, I believe.

Mr. WORKS. I should like to ask whether this is the last report that was made upon the bill referred to when it came out of the committee?

Mr. OWEN. Yes, sir; it was the only report, so far as I know.

Mr. WORKS. It has been said, Mr. President, that there were no views of the minority submitted. I should like to ask the chairman of the committee out of which this report is supposed to have come whether it was issued with the knowledge of the chairman of the committee or whether it really expressed the views of a majority of the committee?

Mr. CULBERSON. Mr. President, in reply to the inquiry of the Senator from California, I will say I was myself among the number who reserved the right and privilege of opposing this bill on the floor of the Senate. The bill was referred to its author to make the report. I did not see the report, and have not yet read it. I did not concern myself particularly about it, and I do not know whether the report was submitted to any other members of the committee or not. The Senator from Oklahoma [Mr. OWEN], to whom I have referred, can answer the question specifically.

Mr. WORKS. I should like to have an answer to that question from some one who knows. It is my understanding that this report is simply the views of the Senator from Oklahoma alone, and was neither submitted to nor approved by any other member of the committee.

Mr. OWEN. The report is simply an abstract of the bill, with quotations from various authorities who have expressed themselves favorably to it. It contains no peculiar views of the Senator from Oklahoma, but I understand does represent substantially the views of the majority. He was authorized to report the bill, and he reported it with a brief abstract of the bill. The whole matter, including the bill, does not make seven pages. The hearings were very voluminous, going into hundreds of pages, possibly several thousand—the hearings in the Senate and in the House combined.

Mr. SMOOT. The hearings were not upon this bill, however, but upon the bill as originally introduced by the Senator a couple of years ago.

Mr. OWEN. The hearings did proceed upon this bill and upon its predecessor in the previous Congress, bill 6039. But these bills are of like purport. There is no substantial fundamental difference between them.

Mr. SMOOT. I wish to say further that there were members of the committee who voted to have the bill reported to the Senate, as the Senator from Texas [Mr. CULBERSON] has already said, who reserved the right, in agreeing to reporting favorably the bill to the Senate, to object to it and to vote against it on the floor of the Senate.

Mr. OWEN. I should like to ask the Senator from Utah whether there is anything in this report to which he objects?

Mr. SMOOT. I have not objected to the report. I have not read the report.

Mr. OWEN. I do not think he could object to anything in the report, because there is nothing in it but the most formal matter of well-ascertained fact.

I should like to ask the Senator from California if there is anything in the report to which he, as a Senator holding opposing views, objects?

Mr. WORKS. I have no objection whatever to it as coming from the Senator from Oklahoma, but I was trying to ascertain whether it contained the views of the majority of the committee or whether it was made by the Senator from Oklahoma without conference with other members of the committee or without any submission of it to them. I was trying to get an answer to that question.

Mr. OWEN. Mr. President, I very frankly reply to the Senator from California that, being authorized to make the report, I made it. The report as printed speaks for itself that the Senator from Oklahoma made the report. This he did under the usual practice of the Senate.

Mr. WORKS. I have no objection if the Senate desires to send it out as the views of the Senator from Oklahoma, but I did not want it to go out as the declaration of the committee, because I have been informed that it does not contain their views on the subject at all.

Mr. SMOOT. I understand the Senator from Oklahoma modifies his request so as to reduce the number to 5,000?

Mr. OWEN. I do if anybody objects to 25,000 copies; otherwise I would desire 25,000. I understand it would cost the Government about $25. If there is anyone who objects to it, I shall refrain from making any such extravagant request. I do not want to impose upon the Government.

Mr. GALLINGER. I think 5,000 copies will be sufficient.

I wish to ask the Senator from Oklahoma a question. The Senator in debate has frequently said that the President had recommended a department of health. The President recommended a bureau of health. I suppose the report does not contain a statement that he recommended a department of health, because all he recommended in his message to Congress is a bureau; and if the statement is made in the report that the President made that kind of recommendation I hope it will be stricken out.

The VICE PRESIDENT. The Chair understands there is no objection to the request for the printing of 5,000 copies as a Senate document.

Mr. HEYBURN. I should like to check up on this. I can just dimly see the smiling countenance of the Senator from Oklahoma. I understand the bill has gone over until December.

The VICE PRESIDENT. The Senator is incorrect. Objection was made to that.

Mr. HEYBURN. I am incorrect. The bill remains on the calendar.

Mr. OWEN. It does.

Mr. HEYBURN. The proposition is to send out extra copies of the report for the purpose of creating public opinion. In that event I shall do what I may under the rules to have this measure taken up and voted down before the campaign. I merely say that to the Senator.

Mr. ASHURST. Mr. President, I do not know how I shall vote upon this bill. I have a number of telegrams from citizens of Arizona requesting me to vote for the bill and a number asking me to vote against it. I have more than 60 requests for copies of the committee report. I am certain, in view of the discussion that is going on through the public press with respect to this bill, that a great number of copies of the report will be called for.

I earnestly hope no objection will be made to the publication of a sufficient number of committee reports.

The VICE PRESIDENT. No objection has been made, and the order stands entered for the publication of 5,000 copies.

Mr. SMOOT. I should like to correct the Senator from Arizona. The report is not the committee report.

Mr. ASHURST. I have in my hand a printed report of what purports to be a report of the committee. It is either a report or it is not. If it is not a committee report, it should not have been promulgated as such.

Mr. SMOOT. It is not a report from the committee, but a report prepared by the Senator from Oklahoma, and not another member of the committee subscribed to the report or knows what is in it.

Mr. OWEN. I do not wish to allow that statement to stand. The substantial fact is that the Senator from Oklahoma was authorized by the committee to make the report.

Mr. ASHURST. I assume that no Senator ever has or ever will undertake to make a report for a committee without the authorization of the committee, and I am proceeding upon the hypothesis that this report as promulgated and printed was made with the concurrence and authorization of the committee, and I shall so proceed until I am very sufficiently advised otherwise.

Mr. SMOOT. I wish to say that a majority of the committee voted that the Senator from Oklahoma should make the report, and he made the report.

Mr. ASHURST. Then the report was made under the authorization of the committee.

Mr. SMOOT. That is, they ordered him to make a report.

Mr. ASHURST. Certainly.

Mr. SMOOT. That is what he did; but the committee itself has signed no report. You will find no name signed to the report.

Mr. ASHURST. I care not whether the members of the committee signed it or not. If they authorized the report, it is their report.

Mr. SMOOT. I understand.

Mr. ASHURST. I am seeking facts, so I may know how to vote.

Mr. SMOOT. Reports come here which are not unanimous and which are not signed, but whenever a report is made by the committee it is generally signed by those favorable to the report. There are no names signed to this report.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. CULBERSON. I do not care to interrupt the Senator from Oklahoma.

Mr. OWEN. I yield the floor.

The VICE PRESIDENT. The Senator from Texas will proceed in his own right.

Mr. CULBERSON. Mr. President, I simply desire, as chairman of the committee, to say that a majority of the committee ordered a favorable report upon the bill. As chairman of the committee, and following the usual rule of designating some member to make the report, I designated the Senator from Oklahoma, the author of the bill, as the one to make the report, and he did so. Whether the report was submitted by him to other members of the committee I do not know. Speaking for myself, I have not seen the report, except in its printed form, and I have not read it. Of course I did not read it in manuscript form.

With reference to the statement of the Senator from Utah, I will say to the Senator that the committee did not authorize the Senator from Oklahoma to make the report, but as chairman of the committee I followed the usual rule, and I designated him.

Mr. ASHURST. The report should be accepted as a true report or the system abolished, because we are proceeding upon the hypothesis that it is a report of a committee.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. Very cheerfully.

Mr. WORKS. I was not objecting to the report on the ground that it was not authorized, nor was I criticizing the action of the Senator from Texas, as chairman of the committee, in designating some one to make the report, but it seemed to me a rather singular thing that a member of a committee can incorporate in the report upon that authority data and information and argument in support of the bill. I simply wanted it understood that, so far as this report constituted argument in favor of the bill, it was the argument of the Senator from Oklahoma alone.

The VICE PRESIDENT subsequently said: In order that there may be no misunderstanding about the matter presented by the Senator from Oklahoma, the Chair will state that the Chair understands it was for 5,000 additional copies of the report, not as a document, and, of course, they will go to the document room.

The order as agreed to was reduced to writing as follows:

Ordered, That 5,000 additional copies of Senate Report No. 619, to accompany the bill S. 1, Sixty-second Congress, second session, be printed for the use of the Senate document room.

POST-OFFICE BUILDING AT HURON, S. DAK.

Mr. CRAWFORD. I ask unanimous consent, on account of the importance of time in the matter, that the Senate proceed to the consideration of the bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak.

I will simply state that the Supervising Architect reports that it will require about $6,000 additional appropriation for the post-office building in the town where I live to enable them to complete the surface walls in the same material. The excavation is going on and it is important that the matter receive attention at once if it is to receive attention at all.

There being no objecion, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 5, before the word "thousand," to strike out "thirty-five" and insert "six," so as to make the bill read:

Be it enacted, etc., That the limit of cost of the United States post-office building at Huron, S. Dak., be, and the same is hereby, increased $6,000, or so much thereof as may be necessary to finish the walls of said building with the stone specified in the existing contract.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WORKMEN'S COMPENSATION AND EMPLOYERS' LIABILITY.

The VICE PRESIDENT. Is there other morning business? If not, morning business is closed, and the Chair lays before the Senate, in pursuance of its unanimous-consent order, a bill the title of which will be stated.

The SECRETARY. A bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers by railroad engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SUTHERLAND. I ask that the bill be read for action on the committee amendments.

Mr. CULBERSON. I will ask if a motion to recommit is not in order under Rule XXII?

The VICE PRESIDENT. No such motion has yet been made, but, of course——

Mr. CULBERSON. The motion has been proposed.

The VICE PRESIDENT. It has been printed, but the bill was not then before the Senate.

Mr. CULBERSON. That is in order before an amendment under Rule XXII.

The VICE PRESIDENT. The Chair is in grave doubt whether, under the unanimous-consent agreement, the motion can be entertained.

Mr. CULBERSON. I was about to call attention to that.

The VICE PRESIDENT. The Chair will be glad to hear the Senator from Texas.

Mr. SMITH of Georgia. Mr. President, I wish to put in some memorials, as does the Senator from Missouri [Mr. REED], and the Senator from Texas kindly consents to yield for a moment.

The VICE PRESIDENT. The Chair assumes that can be done, although it is very unusual to interrupt a unanimous-consent agreement to do anything of the kind.

Mr. SMITH of Georgia. It is with reference to this bill.

The VICE PRESIDENT. The Chair does not rule it can not be done; but it is very unusual.

Mr. SMITH of Georgia. A Senator can read them or they can be read by the Secretary during the course of his speech.

The VICE PRESIDENT. The Senator in that respect is correct.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Chair understood the Senator from Georgia wanted to have some telegrams read.

Mr. SMITH of Georgia. The Senator from Missouri will present his first, as they are short ones, and then I will present mine.

Mr. REED. Mr. President, in presenting these telegrams I desire to have the dates of each read in order that the Senate may understand the change of sentiment.

The VICE PRESIDENT. Without objection, the Secretary will read the telegrams, including the dates.

The Secretary read as follows:

NEVADA, MO., *April 8, 1912.*

Hon. JAMES A. REED,
United States Senator from Missouri, Washington D. C.:

Nevada Lodge, No. 365, Brotherhood of Railroad Trainmen, will appreciate your support and vote for Senate bill 5382.

JOE B. AKERS,
Treasurer Nevada Lodge, No. 365.

—

ST. LOUIS, MO., *April 9, 1912.*

Hon. JAMES A. REED,
Washington, D. C.:

The membership of Pacific Lodge 64, Brotherhood of Railroad Trainmen, earnestly request your effort in behalf of workingmen compensation and liability act, Senate bill 5382. Membership, 241.

J. F. MURRAY, *Treasurer.*

—

ST. LOUIS, MO., *April 11, 1912.*

Hon. JAMES A. REED,
Washington, D. C.:

Kindly withdraw support of employees' liability and compensation act as outlined in your Postal telegraph of April 9. Not understood properly. We do not favor any such measure as you set forth. Thanks for your information and appreciate same very much.

W. L. RODGERS,
Secretary, 64, 3113 Rutger Street.
L. HINES,
Treasurer, 64, 2028 Rutger Street.
JNO. MURRAY TARKLAND,
Kirkwood, Mo.

—

ELDON, MO., *April 20, 1912.*

Senator JAMES A. REED,
Washington, D. C.:

Your letter regarding bill 5382 was read to-day at Division 611, Brotherhood Locomotive Engineers, and we request that more time be given for consideration on this bill. We wish to commend you highly for the interest shown in this important matter.

J. J. MURPHY,
Secretary-Treasurer.

—

BROOKFIELD, MO., *April 28, 1912.*

Hon. JAMES A. REED,
United States Senator, Washington, D. C.

MY DEAR SIR: Your digest of the employers' liability bill received, and we greatly appreciate your effort to put the bill before us in its

true light. We have done what we could with other railway organizations at this place to get them to understand the bill.

In addition to the message I am ordered by Brookfield Division, No. 194, Order Railway Conductors, representing 70 members, to ask you to try to defeat the bill. If we are successful in getting the bill held for further consideration and have or 30 or 40 days to work on our membership will obtain great results, as the majority of our membership does not understand the bill.

Very respectfully, yours,

[SEAL.] J. M. EWING,
Secretary 194, Brookfield, Mo.

—

BROOKFIELD, MO., *April 22, 1912.*

JAMES A. REED,
Senator, Washington, D. C.:

We implore you to use your efforts to postpone any action toward passing House bill No. 20487, Senate bill No. 5382, which has been fully presented to us. At this time we are unalterably opposed to the bill and trust you can defeat same for us.

BROOKFIELD DIVISION, No. 194, ORDER RAILWAY CONDUCTORS,
JAMES EWING, *Secretary.*
ED PLUM, *Chief Conductor.*

—

NEVADA, MO.

Hon. JAMES A. REED,
United States Senator from Missouri, Washington, D. C.:

Your wire 9th, with reference to Senate bill No. 5382, Nevada Lodge, Brotherhood of Railway Trainmen, No. 365, did not understand same, as explained in your message. Will ask you to protect the interests of the working railroad men, and know you will as indicated by your prompt reply. Please advise Senator STONE and Congressman DAUGHERTY.

JOE D. AKERS,
Treasurer Nevada Lodge, No. 365.

—

BROOKFIELD, MO., *April 20.*

J. A. REED,
United States Senate, Washington, D. C.:

Urge your support defeat workman compensation act.

O. C. BARTON, *Secretary.*

—

MOBERLY, MO., *April 19, 1912.*

Senator JAMES A. REED,
Washington, D. C.:

Please hold up bill S. 5382. Get letter.

R. L. CARTER,
Chairman Legislative Committee, Division 49,
Order Railway Conductors, Moberly, Mo.

—

SHEFFIELD, MO., *April 21, 1912.*

Hon. JAMES A. REED,
United States Senator, Washington, D. C.:

Employers' liability act, No. 5382, read at our last regular meeting of P. C. Eldredge Lodge, No. 269, Brotherhood of Railway Trainmen, and was unanimously disapproved.

B. F. DIAL, *Secretary.*

—

ST. LOUIS, MO., *April 16, 1912.*

Hon. JAMES A. REED,
United States Senator, Washington, D. C.

DEAR SIR: Your telegram in answer to our request to support the employees' compensation law was received all right. Many thanks for your prompt answer to same. Please hold the bill up, if possible, until you can hear from us again on the subject. We received your digest of the bill and a copy of the bill also. With best wishes that you will succeed in having it held up for the present, at least, we remain,

Yours, respectfully,

J. L. PATE,
Secretary-Treasurer Division 48,
Brotherhood of Locomotive Engineers.

—

BROTHERHOOD OF RAILROAD TRAINMEN,
Kirkwood, Mo., April 26, 1912.

Hon. JAMES A. REED,
Washington, D. C.

DEAR SIR: Your favor, inclosing copy of employees' liability and compensation act, appreciated, and after a thorough reading of same individually I can personally assure you I am not in favor of same. Do not consider it as reasonable to any extent, more especially as it makes a distinction as between an employee making $100 per month and one making $50. I wish to contend that the $50 per month employee's family is entitled to as much consideration of the right of recovery or compensation as the $100 per month employee. The corporation's right to force injured employees to work or benefit to cease is un-American, narrow, and not within the rule of reason. The right of the court for recovery can not be denied anyone, by such a law or otherwise. Such an enactment would merely make a disabled or injured employee or defendant the victim of court-appointed adjusters or company doctors. Granting to others the right of their own opinions, individually I do not consider the bill a measure of relief to any extent whatever—in fact, quite the contrary. With the assurance of good will on my part, I wish to thank you for your efforts, so far, so good.

Yours, very truly,

J. F. MURRAY.

The VICE PRESIDENT. The telegrams and letter will lie on the table.

Mr. BACON. I present two communications in the nature of memorials in regard to the compensation bill, which I ask may be read. They are short.

The Secretary read as follows:

MACON DIVISION, No. 123,
ORDER OF RAILWAY CONDUCTORS,
Macon, Ga., April 28, 1912.

Hon. A. O. BACON,
United States Senator, Washington, D. C.

DEAR SENATOR: By a unanimous vote of Macon Division, No. 123, Order of Railway Conductors, I was directed to write you requesting that you oppose the passage of the bill now pending before the Congress known as workmen's compensation act.

Our members have not sufficient time to familiarize themselves with the bill, and feel that under no circumstances should the bill be passed at this session of Congress.

I learn from engineers, firemen, and trainmen that fully 95 per cent of all the men are opposed to the bill in its present shape.

Trusting that you can and will use your influence against the passage of the bill, and with best wishes, I am,

Very truly, yours,

A. N. KENDRICK, *Secretary.*

—

DOUGLAS, GA., *April 29, 1912.*

Hon. A. O. BACON,
United States Senate, Washington, D. C.:

Douglas Division, No. 606, Order of Railway Conductors, request that you oppose the workmen's compensation bill pending in Senate and House.

W. B. LEE, *Chief Conductor.*
S. E. PARRISH, *Secretary and Treasurer.*

Mr. BACON. I simply desire to state, in order that there may not appear to be any partiality in the matter, that every communication I have received without exception is opposed to the passage of the bill, except one which I previously submitted to the Senate, and which was afterwards recalled and a communication adverse to the bill sent in its place.

Mr. SMITH of Georgia. I send the following statement to the desk and ask to have it read.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent to have read the statement he has sent to the desk. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The following is a short statement relative to the present Federal employers' liability act and the proposed Federal compensation act. This argument was presented to Congress by Avondale Division, No. 334, Order Railway Conductors, Birmingham, Ala.

EMPLOYERS' LIABILITY ACT.

The statute makes the railroad company liable to an employee or his survivors when he is injured or killed, when his injury or death results in whole or in part from the negligence of any of the officers, agents, or employees of such carriers, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, trucks, boats, wharves, or other equipment.

The statute also declares that contributory negligence of an employee who is injured is not a defense to any suit that may be brought because of the injury or death of the employee, but it provides that where there is contributory negligence—that is, where an employee is partly to blame for an injury or death—that there should be an apportionment of the damages. So that when an employee is injured and brings suit under this act, if both he and the railroad company were negligent, he would be entitled to a verdict at the hands of the jury, but the jury would have the right, if it saw fit, to reduce the amount in proportion to the amount of the negligence of the person injured or killed.

No contract, rule, regulation, or device whatsoever will enable the railroad company to avoid the payment of damages for any liability under this act. No insurance paid by the railroad company for injuries to employees under this act will relieve the railroad company from the payment of damages for injuries.

This act declares that an employee injured or killed is not guilty of contributory negligence of any kind in any case where his injury or death was caused by the failure of the railroad to comply with any of the safety-appliance statutes of the United States.

Nor can he be held to have assumed the risk of injury or death where the railroad company has failed to comply with the safety-appliance statutes.

The act also provides that suits can be brought under the statute in the courts of any State or of the United States which could have jurisdiction.

It is also provided by the present Federal law that a violation of the Federal safety-appliance acts makes the railroad absolutely liable for an injury or death to an employee, and that no defense is available to the railroad where the injury or death results from such violation of the safety-appliance act. It is therefore well to state in this connection the provisions and requirements of the Federal safety-appliance acts:

Locomotives must be equipped with driving-power brakes operated from the cab.

All trains must have cars equipped with continuous power brakes to enable an engineer of a train to control the speed of the train without a brakeman.

They must have couplers that will couple by impact; that is, by pushing them together.

They must have couplers that will uncouple without the necessity of men going between the cars to uncouple.

They must have grab-iron handholds on the ends of cars.

There is a standard height of drawbars of cars, and all cars must measure up to that standard.

The boilers of locomotives and their appurtenances must be in safe condition to operate without unnecessary peril to life or limb.

There must be secure sill steps on every car.

Every car must have efficient brakes.

There must be secure ladders on every car.

There must be secure running boards on every car.

There must be secure handholds or grab irons on roof of cars at top of ladder.

They can not haul cars coupled together by means of chains in any revenue train.

Locomotives must have ash pans that can be operated without going beneath the engine.

When a railroad company fails to have any of the foregoing safety appliances on their cars or engines or fails to have them in operating or good condition, and an employee is injured or killed, the railroad company is guilty of negligence, and the employee, under the law, is neither guilty of contributory negligence nor has he assumed the risk of injury or death by using the unsafe appliances.

Therefore, when an employee is injured on an interstate highway and he is engaged in interstate commerce and the injury or death is caused

by a failure to have any of the safety appliances in operation, the railroad company can offer no defense to the suit. It is only necessary to ascertain the extent of the injury and fix the financial loss for it.

Where the railroad company is itself an interstate highway or handles interstate freight, passengers, or express, and the employee is not engaged in the transportation of interstate commerce, his injury or death by a failure to comply with any of the safety-appliance statutes would give him the right to sue in any State independent of the Federal employers' liability act. He would then be held not to have assumed the risk of injury if he knew that the company failed to use proper safety appliances, for the Supreme Court of the United States has held that the safety-appliance act "is intended to embrace all locomotives, cars, and similar vehicles used on any railroad which is a highway of interstate commerce."

It may be said of the laws of the United States now in force that in practically no case can an employee who has been injured have his right to damages defeated if there is negligence on the part of the railroad. A casual reading of the act will make this clear, and when a failure to comply with the safety-appliance statute results in injury or death there is no defense available to the railroad.

PROPOSED COMPENSATION ACT.

The proposed compensation act contains the following features:

It is exclusive and compulsory, but it only displaces the Federal liability act.

It appoints an adjuster, who is really a special master of the United States court.

The adjuster has the right to fix the amount of compensation to be paid an injured employee under the act.

He has the right, after that amount has been fixed, to increase or diminish it.

He has the right to change a judgment of the court, even though that judgment had been upheld by the court of appeals and approved by the Supreme Court.

He has the right to stop payments provided for in a judgment of the United States court.

Appeals from his decision go to a jury, and the controversy is then between his findings and the injured employee.

It limits the employee in the employment of his attorney, but it places no limit on the railroad as to the employment of an attorney.

It provides for compensation for death or injury, and makes the following classifications:

Death.
Permanent total disability.
Permanent partial disability.
Temporary total disability.
Temporary partial disability.

It provides that no compensation shall be paid for the first 14 days.

It arbitrarily says that no man's wages shall be greater than $100 per month, and all calculation for compensation is based on that arbitrary declaration.

It provides for the practice before the adjuster, the method of appealing the cases, and as to who shall pay the cost. Under it the injured party will have to pay the cost if he excepts and appeals. If the injured employee excepts to the adjuster's findings, he has to pay the cost incurred thereby. If he wants a trial before a jury, he must demand it and must pay the cost of that trial, but paragraph 4 of section 14 says that even before the jury the findings of the adjuster are prima facie evidence of the facts set forth in the findings.

That leaves the trial before the jury where it is not a trial as between the railroad and the employee, but as between the adjuster and the employee, for in the trial the employee will have to attack and overcome with evidence the findings of the adjuster.

It provides a limitation upon the employment of counsel by the employee, but does not limit the railroad company to the amount or quality of its attorneys or counsel, nor to the number of its claim agents that are to be employed.

Section 20 is of more interest to railroad employees on account of its far-reaching effect than one would imagine by reading it. It means that they can say to any man earning over $100 a month when he is injured that he was not entitled to earn more than $100 per month. In future years when wage agreements are considered this limitation on a man's wages can be used by the railroad as an argument.

It provides that if a man receiving permanent partial disability—that is, his hand is cut off—and if he goes to work and he receives another partial disability—that is, his other hand is cut off—he would only be paid for the loss of both hands 50 per cent of his wages, limited to $100 per month, for a total of nine years and six months. The loss of both feet in the same way, or the loss of both eyes in the same way, or the loss of a hand or a foot in the same way would not give him the benefit of the compensation provided for for total permanent injuries.

It provides that dependent children over 16 years of age means children unable to earn a living by reason of mental or physical incapacity.

Many have read the bill a number of times and have failed to find all the jokers.

It provides, on page 41, beginning at line 1, that whenever an employee of an interstate highway is killed or injured it shall be presumed prima facie that he was engaged in interstate commerce.

All employees would prefer to bring their suits under State acts, but the proposed act puts on them the burden of proving that they were not engaged in interstate commerce. It will be almost impossible for them to carry this burden in many cases.

It provides that no man shall be paid for the first 14 days of his injury, and under that a man could be injured, stay away from work 14 days, go to work on the fifteenth day, be injured again on that day, lose 14 days more, and go to work on the fourteenth day again, lose the month's time, and get nothing for his injuries.

It forces an employee to accept the services of the company's physician unless he wants to employ his own at his own expense. The amount of the physician's bills and hospital bills that a man is entitled to from the road is limited to $200, and one serious surgical operation would cost that amount, and after the railroad had paid for that the employee would have to continue the payments.

It allows the employer and employee to constitute committees for the settlement of claims, and this gives the employer a hold that will enable him to squeeze many dollars out of injured employees, for everyone knows that an employee on a committee is not likely to be very severe on his employer when he knows that his own job is at stake.

It limits the payments to a widow to a total of eight years, but the payment stops if she dies or remarries. This would eliminate half the payments to widows. Another one is that children receive the benefits of this act until they are 16. The number of girls who can earn money enough to support themselves between the ages of 16 and 21 are few, and that class would be compelled to supplement their ordinary earnings in extraordinary ways. Take the case of an engineer earning $225 a month, who had two girls in school at the ages of 16 and 17. They would immediately be thrown on the world to earn a living, and to them it would mean starvation or begging. That section could be illustrated in a number of ways.

Another thing, this bill puts a premium on carelessness and recklessness; it provides for the extreme reckless employee the same amount that can be recovered by the very careful employee, and that can be best illustrated in this way: A train hand earning $100 a month carelessly neglects to set a switch to a main line behind a freight train, and a high-class passenger train, properly operated by an engineer and conductor each earning $250 a month, runs into the open switch, and the careful engineer and conductor and the careless train hand are all killed. Thirty passengers may be killed and a half million dollars worth of property destroyed, yet the company will only have to pay for the careful engineer and conductor the same amount that it pays for the careless train hand.

It provides that if the widow has 1 child or 10 children she shall be paid 50 per cent of the wages of the deceased, limited to $50 a month.

It provides for certain payments to the dependent parents, and for a very small amount to be paid other relatives in case there is no widow, children, or parents.

It says that the loss of sight in both eyes, the loss of both feet at or above the ankle, the loss of both hands, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the legs or arms, and an injury to the skull resulting in incurable imbecility or insanity are permanent total disabilities, but it leaves open to the adjuster and the courts the question of what other things are permanent disabilities and provides in that way for many lawsuits.

To those who have the permanent total disabilities it only pays 50 per cent of the salary, limited to $100 a month during the life of the deceased.

It provides that for the loss of the arm above the elbow joint an employee is paid 50 per cent of his wages for six years. That would mean that an employee earning $200 a month will get $3,600 for the loss of his arm. One earning $50 per month will get $1,800 for the loss of his arm. The loss of the leg above the knee joint would only cost the railroad $3,300 for a man earning $100 or more a month, and for a man earning $50 a month it would cost them $1,650.

A complete loss of hearing in both ears would entitle the employee to receive 50 per cent of his salary, as limited heretofore, for 72 months. For the loss of one ear he would be paid for 36 months. It provides that for the loss of the sight of one eye the employee would be paid 50 per cent of his salary, limited to $100 per month, for 30 months. The loss of the sight of an eye permanently incapacitates a railroad man from ever engaging in the service again, and if he were a conductor earning $200 a month he would get $1,500 for that permanent injury.

For the loss of other members he would get similar amounts.

It also provides that if an injured employee goes to work and receives for his work as much as 90 per cent of his wages, limited to $100 per month, the company is to pay him nothing for his injury during the time he is at work. Should he receive less than 90 per cent the compensation shall be diminished.

That portion of the bill really means that should a conductor earning $200 a month have his left hand cut off the company would be due him $50 a month for 57 months. Should he lose a foot they would be due him the same amount for 48 months, but if he accepted from them a position as train auditor, or any other position that would pay him $90 a month, they would never have to pay him a dollar for his injury, and when the 48 months or the 57 months expire the company could discharge him, having paid him $90 a month for his work and nothing for his injury.

An effort has been made to show that this plan originated with railroad employees. That is true, but the employees were the claim agents of the railroad. You will find the scheme fully explained on page 44, Minutes of the Association of Railway Claim Agents at Montreal, and the same page shows you that their work to have this act passed has been done secretly.

The only knowledge that railway employees have of this bill has been gained within the past 30 days, the bill having been published in the various railroad publications since the 1st of March, and in the Railroad Trainman of April, page 355, is another proof of the employees' lack of knowledge of this question.

OUR OBJECTIONS.

We object to this bill because of the provisions above stated, and further because it will compel every railroad man to increase his cost of living by purchasing additional heavy insurance.

We object to it because it displaces the employers' liability act.

We object to it because it does not provide adequate compensation in the case of injury or death.

We object to it because it takes out litigation from the State courts and puts it in the hands of one man.

We object to it because the framers of it evidently hold human life and limb cheap.

We object to it because it is entirely in favor of the railroads and bears no provision in favor of the employee.

During the reading of the foregoing statement,

Mr. SUTHERLAND. Mr. President, this seems to be a pretty long document. I ask the Senator from Georgia whether it would not suit his purpose to have the remainder of it printed without reading?

Mr. SMITH of Georgia. I would rather have it read.

The VICE PRESIDENT. The Secretary will continue the reading.

The Secretary resumed and concluded the reading of the statement.

Mr. McCUMBER. Mr. President, I have received a number of telegrams on this subject, which are not of the usual stereotyped character. One is against the bill, while the others all seem to favor it. I ask that they be read as evidencing the sentiment of a number of organizations in my State.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

MINOT, N. DAK., *April 19, 1912.*

Senator MCCUMBER, *Washington, D. C.:*

Please kill House record.

CHAS. LEE,
Secretary Brotherhood of Locomotive Firemen and Engineers, Minot, N. Dak.

—

FARGO, N. DAK., *April 4, 1912.*

Hon. P. J. MCCUMBER.

DEAR SIR:-We, the members of Division 202, Brotherhood of Locomotive Engineers, request your support of bill No. 5382, as introduced by Senator SUTHERLAND, trusting that this will receive your personal attention, as we consider this proposed law to be the most important legislation that has come up in years for the benefit of our members. Thanking you for past favors, we remain,

Yours, truly,
G. W. REED,
W. J. RIELLEY,
Committee.

—

MINOT, N. DAK., *April 8, 1912.*

Senator P. J. MCCUMBER,
Washington, D. C.:

The members of Minot Lodge, Brotherhood of Railroad Trainmen, request that you use every effort to secure the enactment into law of Senate bill No. 5382. It would be a law that we have long hoped to get, and would be very much disappointed should it fail to pass. Will take the liberty of thanking you in advance for any efforts you may make in favor of same.

H. W. WALKER,
Treasurer Minot Lodge, No. 709.

—

GRAND FORKS, N. DAK., *April 8, 1912.*

Hon. P. J. MCCUMBER,
153½ Twenty-second Street, Washington, D. C.:

At a meeting of Division 69, Brotherhood of Locomotive Engineers, Sunday, April 7, 1912, representing 90 members, resolution passed asking you to lend your support in favor of bills S. 5382 and H. R. 20497.

O. L. YOWELL, *Secretary.*

—

GRAND FORKS, N. DAK., *April 7, 1912.*

P. J. MCCUMBER,
United States Senate, Washington, D. C.:

Trainmen in North Dakota generally are in favor of Senate bill 5382, and Lodge No. 463, of Frand Forks, to-day passed a resolution indorsing same and requesting you to lend your favorable assistance toward the enactment of it. Our membership generally are more interested in this legislation than in any bill that has been before the United States Senate for a number of years.

S. C. LUSH,
Chairman State Legislative Board.

—

ENDERLIN, N. DAK., *April 7, 1912.*

Hon. P. J. MCCUMBER,
Senate, Washington, D. C.:

Enderlin Lodge of Brotherhood of Railroad Trainmen of 131 members urge your active support of Senate bill No. 5382. This measure affects us to greater extent than any similar legislation for many years.

ENDERLIN LODGE OF RAILROAD TRAINMEN.

—

JAMESTOWN, N. DAK., *April 8, 1912.*

P. J. MCCUMBER,
Washington, D. C.:

The members of Division No. 746, Brotherhood of Locomotive Engineers, Northern Pacific Railway, situated at Jamestown, N. Dak., do earnestly desire that you vote in favor of workmen's compensation bill S. 5382 and bill H. R. 20487.

GEO. MCLAIN, *Chief Division 746.*
E. J. MCCURRY, *Secretary.*

Mr. OVERMAN. Mr. President, I have a letter in my hand from one of the leading locomotive engineers in the South. I know him personally. He is a very intelligent man. I want to say that he came here to attend the hearings before our subcommittee, but after coming he did not appear before the committee. He said he dared not go in there, because if he went in and opposed this bill at that time he feared he would be dismissed, as he was an old man. He stated that he had insurance, that he did not want to lose it, and that his charter might be taken from him. Since that time, however, I understand the bridle has been taken off, and he has written me a letter which he has given me permission to publish. I will send it to the desk and ask to have it read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
Raleigh, N. C., April 19, 1912.

Hon. LEE S. OVERMAN,
Washington, D. C.

MY DEAR MR. OVERMAN: I beg to acknowledge receipt of your valued favor of the 16th instant in regard to the workmen's compensation act, and I thank you most heartily for the efforts you are making to delay this measure, but I very much regret to hear you say that the principle is probably right and a step in the right direction. We, the railroad employees who are directly affected, can not see it that way. We feel that it is without doubt one of the most unfair and unjust pieces of legislation ever offered to us. It is class legislation. If a train is wrecked, passengers and crew killed, the passengers can sue for any amount, according to conditions. The crew is denied this privilege. They must accept the miserly sum set forth in this act.

It is unconstitutional from the fact that it denies us a trial by jury, as intended by the Constitution. It is true the language of the bill says we may sue; but what are the conditions? The evidence given before the adjuster shall be prima facie evidence. Again, the jury can not exercise their free thought and make an award according to evidence, but are bound by the amounts set forth in the bill. With these conditions it renders the trial by jury a simple mockery.

We are perfectly satisfied with our present laws, especially the Federal liability act. This gives us the necessary protection. A large per cent of our personal injuries cases are compromised and never go to trial. I promised to send you a copy of the minutes of the Railroad Claim Agents' Association to show you that this measure was the outcome of this association to kill the Federal liability act, but Senator HOKE SMITH wanted the original books, hence I have been unable to get copies. You can see these minutes by calling on him. The actions in the Senate committee to rush the measure without allowing due consideration, and the heads of the labor organizations to smuggle this act in without letting those affected know of its existence, and when by chance we did learn of it and offered a protest we were told to keep quiet or we would be fired. They tell you of the many hearings and publicity this matter had, but they did not tell you that the men affected by this act were not allowed to testify under penalty of expulsion unless they favored the bill. These are facts, nevertheless.

I am not a chronic kicker but a loyal member, and have been for the past 25 years, but when conditions are such that I have to decide whether my loyalty shall be to the order or to my family it does not take me long to decide that my family comes first.

If you want to please 99 per cent of the men in North Carolina affected by the workmen's compensation act—I have allowed 1 per cent margin, although I pledge you my word of honor that I have not found a single man who favors this bill in part or as a whole—then oppose this measure first, last, and always; fight single-eyed for its defeat, and you will ever have the appreciation and deep gratitude of the railroad men of the State.

With best wishes for your success and high personal regards, I beg to remain,

Yours, very truly, D. K. WRIGHT.

Mr. OVERMAN. There is one further article, Mr. President, which I desire to put in the RECORD which has already been before the committee. It is in the shape of a communication in the Raleigh News and Observer, and I am informed, though I do not vouch for the fact, that the article in question was written by one of the great judges of my State, who has been on the bench for 25 years. He is not an "ambulance chaser," but a man of high talents and attainments, and I think his analysis of the bill is about as fine as any I have seen.

Mr. SMITH of Georgia. If the Senator from North Carolina will allow me, I hope that argument will be read. I am reliably informed that it was prepared by the chief justice of the Supreme Court of North Carolina.

Mr. OVERMAN. I ask for the reading of the article, Mr. President.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

THE EMPLOYEES IN OPPOSITION—RAILROAD WORKERS ARE AGAINST THE PASSAGE OF THE FEDERAL ACCIDENT COMPENSATION ACT—HOLD PROPOSED BILL IS WICKEDLY INGENIOUS—THE VIEWS AND POSITION OF THE RAILROAD EMPLOYEES ARE SET OUT BY A DISTINGUISHED LAWYER, WHO HAS GIVEN STUDY TO THE MATTER AND WHO DECLARES THAT THE MEASURE, IF MADE INTO LAW, WILL SERIOUSLY AFFECT RAILROAD EMPLOYEES.

The railroad employees in this country number perhaps one million and a half. This splendid body of men are much concerned over the "compensation act" now pending in the United States Senate. The sentiment of the employees in this section of the country is very adverse to it, and they are confirmed in their views by the opinion of those skilled in the laws in whom they have confidence and with whom they have conferred. This paper is asked to publish the views of a distinguished lawyer in this State who has stood for justice to the employees all these years. He said: "The striking features of the proposed compensation act, so called, may be thus summed up:

"1. It proposes to take from railroad employees the protection they have secured through State and national legislation in this country by means of 'employer's liability' acts, under which a workman who has been injured by the negligence of a common carrier can recover just compensation therefor whether it results in death or lesser injury.

"2. It restricts the compensation far below the actual damages sustained and divides the amount which a jury would award in a lump sum into payments distributed over a varying series of years up to eight years. The highest compensation allowed by the act for wrongful death is $50 per month for eight years, which is equivalent to less than $4,000 cash, and even that is allowed only when the deceased leaves both widow and children.

"3. It proposes to relieve railroad companies by whose negligence the death or other injury is inflicted from the cost of such compensation by placing it upon the shippers and the traveling public, for section 31 provides: 'The burden of compensation under this act for personal injuries shall be considered as an element of the cost of transportation, and the Interstate Commerce Commission in any proceeding before it affecting rates is directed to recognize and give effect to this policy.' Under the present system the owners of the corporation are interested in avoiding accidents and injuries to employees accruing from negligence because compensation therefor will tend to reduce dividends. But the proposed act by shifting this burden upon the traveling public and shippers makes the owners and managers of the railroads immune to any consequences flowing from their negligence. The increase in the number of killed and mangled will be inevitably prompt.

"4. The act further relieves the railroad companies from all expense of litigation which now falls upon them and places it upon the taxpayers, for it provides that the adjustment of losses shall be made by a new set of officials called 'adjusters,' to be paid salaries of $1,800 to $3,000 each, in addition to their actual traveling expenses and their subsistence at the rate of $5 per day, all of which shall be paid out of the Treasury of the United States. Just why these corporations should be relieved of the expense of litigation incident to their refusal to pay

compensation for injuries accruing by their negligence, and why the cost thereof should be shifted to the United States Treasury, is a secret locked up in the breast of the ingenious corporation counsel whose fine Italian hand is seen in every line of this proposed statute. These adjusters will cost the public, for salary and expenses, over $6,000 a year each, and their number is not limited by the act.

"5. Unlike the jury, which now decides upon the compensation to be allowed for negligent injuries caused to employees, this compensation is to be awarded by 'adjusters,' in whose selection the employees will have no voice. This crowd of new officeholders are to be selected and appointed by the Federal judges, who, not being elective and holding for life, may not be altogether uninfluenced in the appointment of such adjusters by their acquaintance with the heads of these great transportation companies by the friendly aid of whom some of the Federal judges have been helped to a seat on the bench. Certainly there is not the same likelihood of adjusters being selected upon the recommendation of the employees.

"6. The compensation provided by the act is very complicated, as well as minute in providing the different kinds of injuries, but it is uniform in only one respect, that the compensation provided is in every instance very far below what may be a just compensation for the injuries sustained.

"7. While the act does not restrict the amount which the corporations shall pay for able and experienced counsel, it is careful to provide that the compensation for counsel retained for the employee shall be fixed by the adjuster, whose method of appointment has already been noted.

"8. The act is also careful to provide that when an employee has been injured or killed neither the cause of action nor the payments due therefor, when determined by the adjuster, shall be assignable. As a further restriction upon the compensation, it is further provided that in calculating wages, the percentage of which shall be the basis of compensation, 26 times the daily wage shall be considered a month's wages, and 'no employee's wages shall be considered more than $100 per month.'

"9. The act is indeed unconstitutional, in that it proposes to deprive the employees of common carriers of the right of trial by jury, which is guaranteed by the seventh amendment to the Constitution of the United States 'in all cases where the amount in controversy shall exceed $20.'

"It is true the act provides for a jury trial if exceptions are filed to the report of the adjuster and a written demand for a jury, but this is practically nullified by a provision that 'the findings of the adjuster shall be received as prima facie evidence in such trial before the jury; that the court may submit special interrogatories and that the trial by jury is waived if this demand for a jury is not made within five days after the adjuster files his report.' Of this filing the employee, who will often be distant from the court, may fail to be apprised.

"10. To sum up: The act takes from the employees the protection of the present employers' liability act; it restricts compensation far below a just compensation and divides the payment over a series of years; it relieves the railroad company of the burden of all compensation and places it upon the shippers and traveling public. The act relieves the companies not only from payment of all court costs, providing for adjusters, who are to be paid out of the Treasury; it provides for the selection of these adjusters in a method which is likely to secure appointees more favorable to the corporations than to the employees; the method of compensation is complicated; it restricts the employee, but not the employer, in the selection of counsel, and deprives them of their constitutional right, guaranteed to all citizens, of a trial by jury.

"11. All this is done upon the pretext that lawyers who represent employees in such cases are 'ambulance chasers,' and that this act will decrease the volume of litigation. It may so do, though it has not had that effect in other countries. But if it has that effect here, it will be by depriving the employees of just remedies and by adding enormously to the advantages already enjoyed by these great combinations of capital in their contests with crippled employees or with destitute wife and children when the employee has been taken from them by death caused by the negligence of the corporation. In free Switzerland every attempt to introduce this proposed 'compensation act' has been defeated, and that country enjoys the broadest and most liberal 'employers' liability act.'

"12. In the language of Mr. Carter, president of the Brotherhood of Locomotive Firemen and Engineers, 'Congress should devote its legislative energy, first, to the prevention of deaths and other injuries to railroad employees by broadening the "safety-appliance" laws and the "employers' liability" laws; and then, when it exhausts its authority and capacity in that direction, enact laws for the compensation of those whose death from injuries were not preventable. Congress should not now accept as inevitable the mangling and killing of thousands of railroad men each month and then attempt to absolve itself and the employers from further responsibility by enacting a law that is said to compensate this awful slaughter of human beings and "charge it to the consumer."'

"13. The statistics show that the number of people killed and wounded by the railroads in this country is twenty times as many in proportion as those occurring on railroads in Europe. If this act is passed, and the compensation for death and injury caused by the negligence of railroad companies is shifted to the traveling public and shippers, as is proposed, by increasing rates, and the cost of litigation is to be shifted, as is also proposed, to the United States Treasury, it is easy to foretell that the increase in negligence in the operation of railroads and in the number of employees killed and wounded thereby will be phenomenal.

"14. The so-called 'relief departments,' by which on a few railroads employees are compelled against their will to raise a fund out of their own wages out of which compensation is paid for those killed and wounded by the negligence of the corporations, is bad enough in all conscience, but this proposed bill is wickedly ingenious." (Raleigh News and Observer, Mar. 7, 1912.)

Mr. SUTHERLAND. The document which has just been read was read before the Judiciary Committee of the House on March 26, and at that time Mr. W. G. Lee, who is president of the Brotherhood of Railroad Trainmen, representing, as I recall, over a hundred thousand men in the United States, made a report. It is contained in the same document. I ask that the Secretary may continue the reading and to read that in connection with what has been read.

Mr. OVERMAN. It follows right along.

Mr. SUTHERLAND. It follows right along.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Without objection, the Secretary will read as requested:

The Secretary read as follows:

[By W. G. Lee, president Brotherhood of Railroad Trainmen.]

In appearing before you I take the same position in reference to my opinion on the proposed compensation act as I did when I appeared before the commission appointed to investigate and report its findings and recommendations to the President on the question of employers' liability and workmen's compensation. That is, briefly, to say that, while the railway employees naturally would prefer a greater amount in benefits, still I feel that the men I represent are agreed that the bill meets with their approval and they are more than anxious to have it enacted into law.

I have the very best of reasons for this belief, based on the inability of the Federal liability law (and, so far as they can apply, the State liability laws) to provide benefits for all cases of injury. We know that in a very fair proportion of cases of death and disability the employer is at fault, and in consequence can be made to pay for his fault, but we also know that there are very many instances of death and disability that can not be attributed to the fault of anyone, and in consequence this great number of accidents is unrecompensed. We believe that instead of having a few benefited under the liability laws as they are now enforced, even though the amounts be large in proportion to those allowed by the proposed compensation act, that it is far better to pay every case of accident and relieve the general suffering. Our efforts, therefore, are directed toward the betterment of the many as against what I believe can truthfully be termed the few. There has been some unfair opposition shown against the proposed measure from one part of the country, namely, a few of the South Atlantic States, but I believe I am justified in saying that the inspiration for the opposition comes from lawyers who have gained the most of their living from the prosecution of personal-injury suits, and who see in the proposed compensation law the necessity for their getting into some other kind of business or being forced to ask a good-natured community to contribute to their maintenance.

Under date of March 7, 1912, there appeared in the Raleigh News and Observer a communication against the proposed bill which has been quite extensively distributed through that part of the country I have just mentioned, and which pretended to show the wicked ingeniousness of the proposed law. It was written by a distinguished lawyer of North Carolina, name unknown, who, to quote from the press, "has stood for justice to the employees all these years," and who summed up his objections to the proposed compensation act in several numbered paragraphs, which I will quote and answer, because I take it that this is the composite objection of many other like distinguished attorneys, who feel that the law is wicked and ingenious because it promises to put the ambulance chaser out of business.

Paragraph 1 of the objections reads:

"1. It proposes to take from railroad employees the protection they have secured through State and national legislation in this country by means of 'employers' liability' acts under which a workman who has been injured by the negligence of a common carrier can recover just compensation therefor, whether it results in death or lesser injury."

The objection that the employees have no longer recourse to the liability laws is correct. I believe, however, that there is too much stress placed on the protection to the employee by way of the State liability laws, for, in my opinion, since the approval of the Federal liability act, that is the law under which railway employees coming under the regulation of Congress must seek their redress. The objectionist does not state, however, that the liability laws in which he places so much dependence do not protect the employee unless the employer is absolutely at fault and it can so be proven. A compensation law, to the contrary, pays for every death and disability, regardless of who is at fault.

Objection 2 reads:

"2. It restricts the compensation far below the actual damages sustained, and divides the amount which a jury would award in a lump sum into payments distributed over a varying series of years up to eight years. The highest compensation allowed by the act for wrongful death is $50 per month for eight years, which is equivalent to less than $4,000 cash, and even that is allowed only when the deceased leaves both widow and children."

The first objection is that compensation is restricted below actual damages. I have yet to hear the claim made in defense of the liability laws that they have given full compensation. The payments under the proposed law were so arranged on the advice of the railway labor organizations, officers, and members, who all agreed that it would be far better for the men and their families to distribute the payments over a period of years rather than to place a lump sum in their hands at one time. If the arrangement for the payment of benefits was satisfactory to the employees who carefully considered it, it surely ought not to meet with serious objection from the distinguished attorney. There is no pretense on the part of the law that it fully compensates for disability or death. It might rather be regarded more as an industrial insurance placed against accident. The amounts mentioned by the objecting attorney are not correct, and I do not hesitate to say that he can not even estimate the amount that will be paid on the average to the railway employees. It is an offhand statement based on prejudice and absolutely without reliable information as its basis.

Objection 3 reads:

"3. It proposes to relieve railroad companies, by whose negligence the death or other injury is inflicted, from the cost of such compensation by placing it upon the shippers and the traveling public, for section 31 provides: 'The burden of compensation under this act for personal injuries shall be considered as an element of the cost of transportation and the Interstate Commerce Commission in any proceeding before it affecting rates is directed to recognize and give effect to this policy.' Under the present system the owners of the corporation are interested in avoiding accidents and injuries to employees accruing from negligence because compensation therefor will tend to reduce dividends. But the proposed act, by shifting this burden upon the traveling public and shippers, makes the owners and managers of the railroads immune to any consequences flowing from their negligence. The increase in the number of killed and mangled will be inevitably prompt."

Were it not for complimenting the distinguished attorney with ingeniousness, I might be tempted to say that he has tried to direct public opinion against the bill; but I rather attribute his expressions to his fears that he will lose if the bill becomes a law. There is no business, aside from that of railway operations, that is not permitted to place the entire cost of its operation on the selling price of its product. The

objection entertained by our distinguished friend is found in practice in every other business. In fact, I am absolutely certain it applies with particular force to his own. Just where anybody exercising ordinary common sense could hope to find a convincing argument against the proposed measure in the fact that the burden of cost would be divided over the entire public, is not easily seen except that he hopes to create prejudice against the law by calling attention to the fact that the public will have to bear its share of the cost. If he were as fair as he claims to be distinguished, he would follow up his objection by referring to the added cost of operation to every product, which cost must be borne by the ultimate consumer. For instance, if the cost of coal mining is increased the consumer pays an added cost for his coal, as everyone knows. If the price of beef is advanced, the packers tell us that it costs more to get its product to the public, and the public pays the cost. If the cost of railway operation is increased because of legitimate expense, why should it not follow that this cost should be assumed by the public, the same as it is assumed in every other advanced cost in every other business? Our distinguished friend would have the public believe that the railway companies have inexhaustible treasuries from which all expenses can be met without paying the least attention to their revenues. It is nothing more than a cheap argument that rests its case in the hope that it can prejudice public opinion against the bill, but it should not appeal to railway employees who are compelled to pay the increased cost of production for everything else.

Objection 4 reads:

"4. The act further relieves the railroad companies from all expense of litigation which now falls upon them and places it upon the taxpayers, for it provides that the adjustment of losses shall be made by a new set of officials called 'adjusters,' to be paid salaries of $1,800—$3,000 each, in addition to their actual traveling expenses and their subsistence at the rate of $5 per day, all of which shall be paid out of the Treasury of the United States. Just why these corporations should be relieved of the expense of litigation incident to their refusal to pay compensation for injuries accruing by their negligence, and why the cost thereof should be shifted to the United States Treasury, is a secret locked up in the breast of the ingenious corporation counsel, whose fine Italian hand is seen in every line of this proposed statute. These adjusters will cost the public, for salary and expenses, over $6,000 a year each, and their number is not limited by the act."

The distinguished attorney is rather mixed up in his statements in objection 4. His burden of grief appears to be that some one besides himself will adjust claims that are in dispute between the employer and the employee. He can not understand why these adjustments should be made at the expense of the Federal Government. It is not difficult to understand why our distinguished friend is opposed to any plan that will take from him what he rightfully believes is his. The railroad employees believe that the Federal Government quite properly can assume this cost, save the expense to the individual employee, and place it generally on the public where it properly belongs. The fine Italian hand to which he refers is not seen in behalf of the corporations, and no one who knows the subject thoroughly honestly can lay claim to any such idea. The proposition, as I view it, is to protect the man from needless expense to which he is now subject in every case when he attempts to recover a dollar for injuries received in the service. The number of adjusters, according to the proposed bill, will correspond to the judicial districts in the United States, or, I believe, 88 in number, and to take the figures of the compensation commission, in which I have the utmost reliance, the additional cost will not exceed a few million a year. This, applied to individual cases of disability and death, would be an enormous cost, but taking the entire country into consideration this expense is so trivial that even the distinguished lawyer will experience difficulty in making the public believe that it had been imposed upon by an increased per capita tax to this slight extent.

Objection 5 reads:

"5. Unlike the jury, which now decides upon the compensation to be allowed for negligent injuries caused to employees, this compensation is to be awarded by 'adjusters,' in whose selection the employees will have no voice. This crowd of new officeholders are to be selected and appointed by the Federal judges, who, not being elective and holding for life, may not be altogether uninfluenced in the appointment of such adjusters by their acquaintance with the heads of these great transportation companies, by the friendly aid of whom some of the Federal judges have been helped to a seat on the bench. Certainly there is not the same likelihood of adjusters being selected upon the recommendation of the employees."

The writer does not go into the difficulties that are sometimes experienced in securing an award from a judge and jury. He would have us believe that in all instances the jury agrees the employer is at fault, and consequently pays the employee or his family enough to provide for them comfortably the remainder of their days and leave something to their descendants. The facts do not substantiate any such specious argument. Again, the attorney objects because "this crowd of new officeholders are to be selected and appointed by the Federal judges," etc. It seems peculiar as well as inconsistent for the distinguished attorney to have so much confidence in a Federal court judge in a liability case and so little of it in the appointment of an adjuster, but that is part of the business of the distinguished attorney, and can be taken exactly for what it is worth, which to the men is nothing.

So far as influence being used in the appointment of these adjusters by the Federal court, I do not hesitate to say that the railroad employees will have just as much if not more influence than their employers. Public opinion counts for something in these days, and if that fact has not come home to the distinguished attorney, I believe that it has been forcibly impressed upon very many men who occupy positions of public trust, and who will not take the chance of flying in the face of a fair public opinion.

The adjusters are not appointed for life, and they can be removed if their services are not satisfactory. Again, the objection does not show that the proposed law provides for committees between the employers and employees, who have it in their power to settle all questions in controversy, and I have confidence enough in the managements and the men to believe that after the law is once fairly operative that the majority of the railway companies and their men will follow this plan of making settlement.

Another objection to section 5 is that it takes away the right of trial by jury, but does not explain to the employees that there is substituted for this trial by jury certainty of compensation in all cases of death and disability. I do not pretend to say that the amount of compensation provided by the law for all cases will equal the amount awarded by a judge and jury when the employer is at fault. But here comes another thought that the distinguished lawyer has failed to set forth, and it is this: The award secured after suit must be reduced first by the amount due the attorney who prosecuted the suit and also by a reduction through interest allowances on the amount that has been received, because it takes time to bring suit and prosecute it, and when we compare benefits under the liability law and under the proposed compensation law these statements I have made have a very significant bearing on the general result. I believe it is safe to say that when the attorney's fees now collected under the liability laws, together with the interest allowances that properly can be deducted from deferred payments made under the liability law as against the immediate payments under the compensation law are taken into consideration that the differences in the amounts paid will not be so great as our distinguished attorney would have us believe.

Objection 6 reads:

"6. The compensation provided by the act is very complicated as well as minute in providing the different kinds of injuries, but it is uniform in only one respect, that the compensation provided is in every instance very far below what may be a just compensation for the injuries sustained."

The objection herein quoted appears to be one of the few truthful statements made by our distinguished opponent. Judging from what he has already said in his objection to the bill, I take it for granted that the bill to him is very complicated, but I make bold to say that anybody who has sense enough to read well-written English can see just what the compensation provides. To an attorney in a hurry to get his share out of a possible lawsuit the law may appear to be complicated, but to the employee who has plenty of time to figure out what it means the law reads plainly enough. He also gets back to his former statement that compensation is very far below just compensation. I agree in this, but I also believe that it is unwise for the railway employees to attempt the impossible in legal enactment, even though it be done to meet the objections of our opponent.

Objection 7 reads:

"7. While the act does not restrict the amount which the corporations shall pay for able and experienced counsel, it is careful to provide that the compensation for counsel retained for the employee shall be fixed by the adjuster, whose method of appointment has already been noted."

This objection is as plain as if the writer had declared his fears that his personal commissary department was in danger. We take it for granted that the corporation has never given him anything to do, and that the most of his revenues comes from the employee whose interest he has defended so vigorously. He objects to the fairness of the judge in appointing the adjusters, but lauds his wisdom and justice to the skies when making an award, all of which is as consistent as the most of the argument he has offered against the bill. He does not have the fairness or the sense to see that the section protects the employee against the rapacity of the ambulance chaser. This is another wickedly ingenious scheme introduced in the bill which does not meet the approval of a certain class of lawyers.

Objection 8 reads as follows:

"8. The act is also careful to provide that when an employee has been injured or killed neither the cause of action nor the payments due therefor, when determined by the adjuster, shall be assignable. As a further restriction upon the compensation, it is further provided that in calculating wages, the percentage of which shall be the basis of compensation, 26 times the daily wage shall be considered a month's wages, and 'no employee's wages shall be considered more than $100 per month.'"

Just why an attorney who is so deeply wrapped up in the welfare of an employee objects to the protection of the amount due him is not explained in his objection, and I leave it for you to guess. His objection to the method for computing computations is doubtless based on the fact that he did not know the railway employees themselves declared in favor of this plan of computation. The proposed compensation law is a give-and-take proposition. It adds to the wages of the man who does not work and takes from the amounts earned by the man who is exceptionally fortunate when it sees to it that the man who makes no wages in every instance receives the maximum amount provided by the law.

Objection 9 reads:

"9. The act is indeed unconstitutional, in that it proposes to deprive the employees of common carriers of the right of trial by jury, which is guaranteed by the seventh amendment to the Constitution of the United States, 'in all cases where the amount in controversy shall exceed $20.'

"It is true the act provides for a jury trial if exceptions are filed to the report of the adjuster and a written demand for a jury, but this is practically nullified by a provision that 'the findings of the adjuster shall be received as prima facie evidence in such trial before the jury; that the court may submit special interrogatories and that the trial by jury is waived if this demand for a jury is not made within five days after the adjuster files his report.' Of this filing, the employee, who will often be distant from the court, may fail to be apprised."

If the distinguished lawyer will read the proposed act and is able to understand it, his objections to the unconstitutionality will be set aside.

Paragraph 10 sums up thus:

"To sum up, the act takes from the employees the protection of the present employers' liability act; it restricts compensation far below a just compensation and divides the payment over a series of years; it relieves the railroad company of the burden of all compensation and places it up the shippers and traveling public. The act relieves the companies not only from payment of all court costs, providing for adjusters who are to be paid out of the Treasury; it provides for the selection of these adjusters in a method which is likely to secure appointees more favorable to the corporations than to the employees; the method of compensation is complicated; it restricts the employee, but not the employer, in the selection of counsel, and deprives them of their constitutional right, guaranteed to all citizens, of a trial by jury."

The whole proposition is based on an attempt to confuse the real purpose of the law by pointing out its pretended injustices and impossibilities. The fact of the matter is that every careful lawyer knows that recovery can not be made twice for the same damage, nor do we believe the courts will permit the employee to have two methods of recovery while denying the same right to the employer. I have answered his statements made in reference to placing the burden on the public, and I do not think it necessary to go over the ground again, nor do his further arguments need repeated attention, because I think I have answered them in their turn.

Paragraph 11 reads:

"11. All this is done upon the pretext that lawyers who represent employees in such cases are 'ambulance chasers,' and that this act will decrease the volume of litigation. It may do so, though it has not had that effect in other countries. But if it has that effect here, it will be

by depriving the employees of just remedies and by adding enormously to the advantages already enjoyed by these great combinations of capital in their contests with crippled employees or with destitute wife and children, when the employee has been taken from them by death caused by the negligence of the corporation. In free Switzerland every attempt to introduce this proposed 'compensation act' has been defeated, and that country enjoys the broadest and most liberal 'employers' liability act.'"

The volume of litigation naturally will be decreased, because there are specific payments provided by the bill for a certain number of injuries that naturally will reduce the question of adjusting the extent of the injury, because it is apparent there will be controversy over injuries the extent of which is not apparent, but there is every reason to believe that precedents once established there will be no further cause for any great degree of difference between the employers and the employees.

The distinguished attorney said: "In free Switzerland every attempt to introduce this proposed compensation law has been defeated, and that country enjoys the broadest and most liberal employers' liability act."

Our friend is again incorrect. The fact is that the Swiss employers' liability law has been repealed and a workmen's compensation law substituted for it after submission to a referendum vote of the Swiss citizenship. But in his mistake, or willful misstatement, he is in full accord with the majority of objections he raised against the proposed law. Switzerland discarded her liberal employers' liability law, and admitted in so doing that many deserving employees could not be recompensed under it, and substituted for it a compensation law that benefits every workman.

Paragraph 12 reads:

"12. In the language of Mr. Carter, president of the Brotherhood of Locomotive Firemen and Engineers, 'Congress should devote its legislative energy, first to the prevention of deaths and other injuries to railroad employees, by broadening the "safety-appliance" laws and the "employers' liability" laws, and then, when it exhausts its authority and capacity in that direction, enact laws for the compensation of those whose death from injuries were not preventable. Congress should not now accept as inevitable the mangling and killing of thousands of railroad men each month, and then attempt to absolve itself and the employers from further responsibility by enacting a law that is said to compensate this awful slaughter of human beings and "charge it to the consumer."'"

With all deference to the opinion of Mr. Carter, I must call the attention of this committee to the fact that all safety appliances in use to-day are the result of legislation and not of the voluntary act of any of the companies, and I can not believe that when the railway companies are forced to pay for the death and disability of every employee that it will have the effect of making them less careful of their employees. If railway companies could go to the public as other businesses can go, and arbitrarily fix the price of transportation, there might be more reason to take this question of increased cost to the public seriously. But when we know how extremely difficult it is for the railway companies to secure an advance in railway rates we know that the railway companies will have to make good cause before they can secure any concessions from the Interstate Commerce Commission. And, again, to get back to the bottom of the operation of this proposed law, every member of your committee knows that it will be several years before the companies will have to pay what they are now paying, for the reason that payments are going to accumulate, and the companies are not going to pay lump sums as they do now, so that we can safely say that it will be at least five years before the accumulated costs to the companies will equal what they are paying now. This fact appears to have been overlooked by our distinguished opponent in his hurry to get before the railway employees to show them the wickedness and ingenlousness of the proposed law.

Paragraph 13 reads:

"13. The statistics show that the number of people killed and wounded by the railroads in this country is 20 times as many in proportion as those occurring on railroads in Europe. If this act is passed and the compensation for death and injury caused by the negligence of railroad companies is shifted to the traveling public and shippers, as is proposed, by increasing rates, and the cost of litigation is to be shifted, as is also proposed, to the United States Treasury, it is easy to foretell that the increase in negligence in the operation of railroads and in the number of employees killed and wounded thereby will be phenomenal."

This is further quoted from Mr. Carter's statements to the compensation commission in Chicago, and I think these statements have been very successfully refuted by Mr. Arthur Holder, representing the American Federation of Labor, who stated to the commission at Washington that the number of accidents had decreased, that greater care was exercised by the employer, and that litigation had decreased to the minimum in England in the past two years.

These statements were corroborated by Mr. Herman Wills, assistant grand chief of the Brotherhood of Locomotive Engineers, who made a personal study of conditions abroad during the fall of 1911 and who came back to us very much impressed with the operation of the English compensation law and this plan in general. His evidence, like that of Mr. Holder, was secured first hand through the organizations of employees. There was not a single objection from them concerning the operation of the law, except that its benefits should be higher. This is a natural objection, as we all know. But so far as the extra care against accidents, the adoption of safety appliances, and the decrease in litigation are concerned the employees of Great Britain unanimously declare that these very excellent results have followed the operation of the law.

We find in our own country that since compensation has been brought forward with a fair chance of a compensation law being enacted that the railway companies have awakened to the conditions under which very much of their work is being performed, and they are taking steps to reduce their casualty records to the lowest possible degree. The largest systems in the country to-day have taken up the question of safety through the appointment of safety committees, who are authorized to point out all of the dangers that attend railway work and are invited to suggest improved methods of safety; and the advice given to the men by those in charge of operation not to sacrifice their lives and limbs for the sake of getting their work done in a hurry is another evidence that the railway companies do not believe that they can reach into the public purse without good reason and reimburse themselves for the added costs that will be necessary because all of the men in the service are to be paid if they are killed or injured.

This lawyer also continually harps on the charge to the consumer. In all fairness, to whom would he charge it? Where does any business get its returns except from the consumer? Even the poor devil who places his case in the hands of an ambulance chaser places him in a position to live off his own returns, in which case the ambulance chaser is the ultimate consumer, and, generally speaking, a very large one in proportion to the amount received. This lawyer pretends to have a tremendous interest in protecting the public, and all through his objections it will be found that his real interest is more in the direction of protecting his own business than it is in protecting the employee.

The lawyer who said the proposed bill is wickedly ingenious might, in full accord with his conscience, have added "so far as we ambulance chasers are concerned." It is natural to look for objection of this kind from men whose principal source of revenue is in jeopardy. The proposed compensation law guarantees to the family of every killed employee a certain revenue for a certain time, and it guarantees the money without giving half of it to any ambulance-chasing attorney. It guarantees to every disabled employee a specific amount for certain injuries and leaves the determination of other amounts to be paid on their apparent effects as compared to other injuries received. There is no law on earth that could go the limit and cover every imaginable accident and its results and give satisfaction. The law, like every other law, will have to be enacted, its principles accepted as correct by the United States Supreme Court; and after it is applied its deficiencies, inaccuracies, and injustices can then be adjusted by amendment.

I can say that a great majority of the members of the Brotherhood of Railway Trainmen are in accord with the principles of the law. They have expressed their desire for it at their convention, and have gone on record in favor of certainty of benefits to take the place of uncertainty of litigation. We believe in doing everything for the benefit of the greatest number, and for this reason we do not point to the high verdicts that are received in exceptional cases as a basis for a compensation law. We realize the impossibility of paying the amount awarded by the exceptional verdict where the employer is absolutely at fault in all cases of injury or death, whether caused by the fault of the employer or the fault of the employee. In behalf of my organization I trust that your committee will see fit to report the bill to your respective assemblies as it has come to you from the compensation commission. I subscribe to the language of the commission in submitting its report to the President, that while this proposed law is not, perhaps, the most perfect measure which could be devised, nor the last word which can be said upon the subject, it is the result of careful investigation and the best thought of the commission, and constitutes a step in the direction of a just, reasonable, and practicable solution of the problem with which it deals. I regard it as desirable constructive legislation, to take the place of destructive litigation, and again express the hope that it may be reported by your committee to both Houses of the Congress and that it may pass at this session.

Mr. SMITH of Georgia. Mr. President, just one word.

In view of the references which have been made to the writer of the article which has been put in the RECORD, I wish to repeat that I am informed the chief justice of North Carolina wrote the article. He has been on the supreme court bench of North Carolina for 20 years. He has been chief justice of the State more than 10 years. He is recognized by all lawyers who are familiar with the reports of that State as one of the greatest judges upon the bench of any State in the Union.

Mr. SUTHERLAND. Mr. President, let me suggest a word in this connection also. I do not know the gentleman who wrote the statement. I do know Mr. Lee very well. Mr. Lee is at the head of the Brotherhood of Railroad Trainmen. He has been with this proposed legislation since its inception. He is familiar with every detail of the bill. He has the interests of these various railroad trainmen at heart, and I venture to say that he knows more about what is for the practical benefit of the railroad men of this country than any judge on the bench in North Carolina or elsewhere.

Mr. President, I ask that the bill be read for action on the amendments of the committee.

Mr. SMITH of Georgia. I did not desire to discuss the merits of the men or the familiarity of the chief justice with the subject of railroads; I wished to state the character of the judge who was the author of the article.

Mr. CLARKE of Arkansas. I have several communications bearing on the pending bill, which I ask to have printed in the RECORD without being read.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

ARKANSAS STATE LEGISLATIVE BOARD,
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
Little Rock, Ark., April 23, 1912.

To Hon. JEFF DAVIS and Hon. JAMES P. CLARKE,
United States Senators, Washington, D. C.

DEAR SIRS: The railway firemen and enginemen of this State desire to appeal to you, through me as their chairman, asking that you kindly use your influence in the postponement of Senate bill No. 5382. This bill, as you know, has for its purpose the repeal of the present employers' liability law.

I hope you will make every effort within your power in protecting our people against such an unreasonable measure, and that May 2 will see the measure postponed until the next session of Congress, when I hope it will meet with defeat.

It is wholly unnecessary for me to go into the so-called merits of this measure, knowing full well your ability to look into the distant danger for which this measure is gotten up. Again I ask you to free our good people from the damage that would be sure to follow the enactment of such a law.

Thanking you in advance and hoping for your success, I am,
Very respectfully, yours,
A. N. DE MERS, *Chairman.*

PARAGOULD, ARK., *April 9, 1912.*

Hon. JAMES P. CLARKE,
United States Senator, Washington, D. C.:

The Brotherhood of Railroad Trainmen at Wynee and throughout Arkansas will appreciate your support of the Federal workmen's compensation bill.

P. N. WOOD, *Treasurer.*
J. A. LOONEY, *President.*

FORT SMITH, ARK., *April 8, 1912.*

Hon. JAMES P. CLARKE,
United States Senator, Washington, D. C.:

Brotherhood of Locomotive Engineers at this point earnestly desire your support for passage of Senate bill 5382.

E. C. SPERRY, *Secretary.*

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INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
SUBDIVISION NO. 182. ROBERT HERRIOTT, C. E. W. F. WILSON, F. A. E.
Little Rock, Ark., April 1, 1912.

Hon. JAMES P. CLARKE,
Washington, D. C.

DEAR SIR: You are urged and earnestly requested by the engineers of the State of Arkansas to use your influence and support in getting Senate bill No. 5382, introduced by Senator SUTHERLAND, to pass the Senate, and would ask that you hand this letter to the Representatives in the House so they will know that we would thank them for their support. Thanking one and all for their support in advance,

I am, yours, very respectfully,

J. E. MILLS,
Locomotive Engineer and Secretary Legislative Board,
No. 912 North Street.

—

CONGRESS HALL HOTEL,
Washington, D. C., March 20, 1912.

Hon. JAMES P. CLARKE.

DEAR SENATOR: There is now pending in the Senate S. 5382 and in the House H. R. 20487, known as "A bill to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death to employees of common carriers by railroads engaged in interstate and foreign commerce or in the District of Columbia, and for other purposes."

This bill is the result of deliberation by a commission appointed under joint resolution for the purpose of consideration of this subject.

The organizations I am representing, namely, Brotherhood of Locomotive Engineers, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, prepared and were active in aiding the passage of a resolution providing for the appointment of the commission who has made a report and recommended this bill. Through our influence one of our members was appointed a member of that commission.

The chief executives of the organizations I am representing, as well as myself, have given every phase of this question careful consideration, having attended the hearings, and have officially put ourselves and our organizations on record in favor of the pending bill.

Our members will be greatly benefited by the passage of this measure, and we earnestly desire your support of this legislation.

It is possible that some individual members of our organizations, in some localities, may be misled by false and misleading statements that have been circulated. These come, we think, from those who are personally interested in bringing damage suits, as it is a well-known fact that from 30 to 50 per cent of the amounts now recovered from railroads in damage suits is paid to claim attorneys.

The report of the commission, of which you have a copy, shows that the railroad employees will receive benefits of $15,000,000 per annum under the proposed legislation, while under the present law they receive only $10,085,000 per annum less the amount that goes to their attorneys; the $15,000,000, as can be seen from the report, will be paid without detriment to the railways.

The legislation will have a tendency to eliminate a great cause of friction between employer and employee, and is recognized by those who have given it careful consideration to be a fair and just measure.

I wish to most respectfully ask that you give this matter your careful consideration, and will be pleased if you will let me know your views on the subject.

I am, with respect, very truly, yours,

H. E. WILLS,
Joint National Legislative Representative
B. of L. E., O. R. C., B. of R. T.

Mr. CULBERSON. Mr. President, I think I had the floor when the reading began. My purpose was to call up the motion I had made to postpone, and to recommit the bill to the Committee on the Judiciary, with certain instructions. That takes precedence under the rules of a motion to amend the bill.

The VICE PRESIDENT. The motion had not been made. The Senator will now make it. The Senator gave notice the other day that he intended to make it when the matter came up, the Chair understands.

Mr. SUTHERLAND. I desire to make a point of order against that motion, that it is in conflict with the unanimous-consent agreement.

Mr. CULBERSON. I should like to make the motion first.

Mr. SUTHERLAND. I thought the Senator had made it.

Mr. CULBERSON. I simply got leave to make the motion.

The VICE PRESIDENT. The Senator had the leave, and was about to make the motion.

Mr. CULBERSON. Yes.

The other day, when this motion to recommit was presented by myself, I was not unmindful of the unanimous-consent agreement; and thinking that possibly it might be held to be in derogation of the unanimous-consent agreement, I prepared certain amendments, which are substantially those contained in the motion to recommit.

I call the attention of the Chair to the fact, however, that to my mind it is not clear that a motion to recommit is in violation of the agreement. It does not say "shall vote upon amendments and the bill until finally disposed of," but it says "that a vote will be taken upon any amendments that may be pending or offered, and upon the bill itself to its disposition," with the proviso which was suggested by the Senator from North Carolina [Mr. OVERMAN], "that a motion shall be in order to postpone to a day certain the further consideration of the bill."

In view of the intimation of the Chair, though, this morning, that he thought the motion as originally prepared by me was in derogation of this unanimous-consent agreement, and not desiring to press it against the intimation of the Chair or that of any Senator, but desiring, on the contrary, to live up to the consent agreement, I have modified the motion in the way I suggested, which I will send to the desk to have read.

The VICE PRESIDENT. The Secretary will read the proposed order as modified.

The Secretary read as follows:

It is ordered, That consideration of S. 5382, "to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes," be, and is, postponed until December 2, 1912, and in the meantime it is recommitted to the Committee on the Judiciary, and said committee is instructed to redraft the bill so as to conform to the following:

1. That it be made optional and cumulative instead of exclusive.
2. That the maximum and minimum schedule of compensation be increased 50 per cent over that proposed in the bill.
3. That the provisions in paragraph 4, section 14, to the effect that the findings of the adjuster shall be received as prima facie evidence of the facts therein and that the court may submit special interrogatories to the jury looking to a special verdict, be stricken out.
4. Omit the requirement in section 1 that to justify recovery the accident must have arisen "out of and in the course of his employment" and insert in lieu thereof the provision of section 1 of the act of Congress of 1908, that the liability shall accrue to "any person suffering injury while he is employed by such carrier in such commerce."

The VICE PRESIDENT. The Senator offers that motion now?

Mr. CULBERSON. I offer that motion to postpone and recommit at this time.

Mr. OVERMAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. OVERMAN. I do not think the unanimous-consent agreement as expressed here on the Calendar of Business means exactly what occurred. It says "that a motion shall be in order to postpone to a day certain the further consideration of the bill." Now, I will read to the Chair the colloquy that occurred, which is found on page 4980 of the RECORD.

The VICE PRESIDENT. The Chair has the RECORD before him.

Mr. OVERMAN. I have been absent from the Chamber and I do not know whether this has been gone over or if the Chair has ruled on it:

The VICE PRESIDENT. The Chair used the term "final disposition" without the Senator from Utah having used it.

Mr. OVERMAN. That is the reason I raised the point.

The VICE PRESIDENT. The Senator from Utah may have had in mind a disposition which should not be final.

Mr. OVERMAN. That is the reason I raised the point.

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Mr. OVERMAN. If the Senator from Utah will put it in that form, I think it will be agreed to.

As the Vice President had used the word "final," I thought I would raise the question, so that I would not be precluded from making a motion.

The VICE PRESIDENT. The Chair would imagine that with the word "final" omitted, simply leaving it "the disposition of the bill," a postponement of action thereon until next December or any other time would be a disposal of it.

So I inquire now, if this motion should prevail, whether a motion to postpone, say, to the 21st of May, would be in order under that unanimous-consent agreement?

The VICE PRESIDENT. The Chair thinks that the motion proposed by the Senator from Texas [Mr. CULBERSON] is not in order under the unanimous-consent agreement in the form in which it was made. The impression of the Chair is that it is perfectly clear by the proviso agreed to by the Senate and the colloquy at the time it was agreed to that it was the contemplation of the Senate to permit alone a motion to postpone until next December, because succeeding the matter in the RECORD which the Senator from North Carolina [Mr. OVERMAN] has read is the following:

The VICE PRESIDENT. Add as a proviso to the request, then, as heretofore stated by the Chair, the words "*Provided,* That a motion shall be in order to either definitely or indefinitely postpone the further consideration of the bill."

Mr. WILLIAMS. To postpone it to a definite day.

Mr. SUTHERLAND. To postpone to a definite day.

The VICE PRESIDENT. To postpone to a definite day further action thereon.

Mr. SUTHERLAND. Yes.

The Chair then put the question in that form to the Senate, and in that form it was agreed to. So that the one motion now in order, it seems to the Chair, is to postpone to a definite day.

Mr. OVERMAN. Mr. President, on the bottom of page 4980 the Senator from Utah, in asking unanimous consent, said this:

Mr. SUTHERLAND. I will include in my request for unanimous consent the further provision that it shall be subject to the right to move to postpone the further consideration of the bill to a day certain.

The VICE PRESIDENT. Certainly.

Mr. OVERMAN. That is only for one certain day.

The VICE PRESIDENT. Certainly; and that, it seems to the Chair, is the one motion which is now in order.

Mr. CULBERSON. Then I make the motion that the further consideration of the bill be postponed until December 2, 1912.

The VICE PRESIDENT. That motion is certainly in order. The Senator from Texas moves that the further consideration of the bill be postponed until the 2d day of December next.

Mr. SUTHERLAND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Sentors answered to their names:

Ashurst	Curtis	Myers	Shively
Bacon	Davis	Nelson	Simmons
Borah	Dillingham	Newlands	Smith, Ariz.
Bourne	du Pont	Nixon	Smith, Ga.
Brandegee	Fall	O'Gorman	Smith, S. C.
Bristow	Fletcher	Oliver	Smoot
Brown	Gallinger	Overman	Stephenson
Bryan	Guggenheim	Owen	Stone
Burnham	Heyburn	Page	Sutherland
Burton	Hitchcock	Paynter	Swanson
Catron	Johnson, Me.	Penrose	Thornton
Chamberlain	Johnston, Ala.	Perkins	Tillman
Chilton	Jones	Pomerene	Townsend
Clark, Wyo.	Kern	Rayner	Warren
Clarke, Ark.	Lea	Reed	Wetmore
Crawford	Lodge	Richardson	Williams
Culberson	McLean	Root	
Cullom	Martine, N. J.	Sanders	

Mr. SWANSON. My colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of illness in his family. I make this announcement, and desire to let it stand for the day.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably absent on business of the Senate. I should like to have this announcement stand for all votes to-day.

Mr. CRAWFORD. I desire to announce that my colleague [Mr. GAMBLE] is necessarily absent. As I understand, he is paired with the senior Senator from Oklahoma [Mr. OWEN].

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Senate by important business.

Mr. JOHNSON of Maine. My colleague [Mr. GARDNER] is necessarily detained from the Senate on business.

The VICE PRESIDENT. Seventy Senators have answered to the roll call. A quorum of the Senate is present.

Mr. CULBERSON. Mr. President, for the present I withdraw the motion to postpone the consideration of the bill.

The VICE PRESIDENT. The Senator from Texas withdraws his motion to postpone the further consideration of the bill.

Mr. SUTHERLAND. I ask that the bill may be now read for committee amendments.

The VICE PRESIDENT. Without objection, the Secretary will read the bill for the presentation of committee amendments.

Mr. SMITH of Georgia. I wish to present, for the information of the Senate and to have read, the amendments which I intend to offer.

The VICE PRESIDENT. Without objection, that may be done at the present time.

Mr. SUTHERLAND. What was the request, Mr. President? I did not hear it.

The VICE PRESIDENT. The request was to have the amendments which the Senator from Georgia purposes hereafter to offer now read for the information of the Senate.

Mr. SMITH of Georgia. And, Mr. President, many amendments which I desire to offer are amendments to strike out certain sections of the bill. As an amendment to strike out a particular section is read I should be glad to have the section of the bill read immediately thereafter, so that it will be seen to what the amendment applies.

Mr. SUTHERLAND. Mr. President, I suggest that the orderly way to proceed is to have the bill first read for committee amendments, and I ask that that be done. I have no objection to the amendments suggested by the Senator from Georgia [Mr. SMITH] being read, but I ask that their reading be postponed until after the bill is perfected.

The VICE PRESIDENT. At the request of the Senator from Utah, then, the Secretary will first read the bill for committee amendments.

Mr. REED. Mr. President, I desire to submit some remarks on the bill, and have arisen for that purpose.

The VICE PRESIDENT. Does the Senator desire to submit them before the bill is read?

Mr. REED. Yes, sir; I desire to submit them now.

The VICE PRESIDENT. Then the Senator from Missouri is recognized.

Mr. REED. Mr. President, this bill directly affects the legal rights of 1,650,000 men. It indirectly affects the rights of their families, which, averaged at four, raises the total number to nearly 9,000,000 people. It affects in a still more indirect way every man, woman, and child in the United States. It proposes to wipe out all of the rights reserved to railway employees and their heirs at common law, all of the rights reserved to them by the statutes of the various States, and all of the rights conferred upon them and reserved to them by the acts of Congress. It substitutes for the common law, for State statutes—some of which have existed for years, some of which have been newly enacted—and for the Federal liability acts enacted in 1908 and 1910 this bill, which was brought into the Senate about 30 days ago. It has been discussed principally to empty benches by two or three Senators. Their remarks were worthy of a hearing by the Senate and by the country, but they were treated with an indifference exceptional even in the Senate.

Before the Senate of the United States passes a bill so radical and revolutionary in its character as the one here proposed it would seem that earnest thought and study should be given to it and that an opportunity ought to be afforded for discussion of the measure by the men who are directly affected by it. It is true, Mr. President, that there appeared before the commission which was created under the act of Congress a few men representing in their official capacity certain railway organizations in the country; but it is perhaps safe to say that not to exceed a score of men who are intimately concerned with the affairs of railway organizations have been before the commission. The bill, therefore, lacks the direct consideration of the men who are to be affected.

I challenge the Senate's attention to the further fact that back of the men who belong to these railway organizations stands an army of women and of children, who, if they are to have protection at all, must receive it at the hands of the lawmakers; and that, therefore, the acts we are about to engage in at this session of the Senate are fraught with the gravest of responsibilities.

In my humble judgment, every man who votes for this measure will regret it most seriously before the lapse of 12 months. I charge upon the conscience of the Members of the Senate the solemn duty before they adopt this revolutionary act, that overturns the common law, annuls the statute laws of the States, and repeals the laws of Congress, that they shall give to the bill most careful attention and reading; I express the doubt now with regret—but, nevertheless, I do express it—that this bill has not even been read by a majority of the Members of the Senate, much less have they read the long report of the commission and the still longer report of the evidence that was taken before the commission.

I challenge attention to another fact, that there is not, to my knowledge, even one Senator who has at any time or in any manner or form received or heard of a protest against this bill from a single railway corporation in the United States. If such a protest has been received, I pause now that the fact may be made known. Your silence confirms my opinion. Yes, sir; here is a bill which, we are told, compels the railway companies to expend for personal injuries inflicted upon their employees $5,000,000 annually over and above the amount they are now required to pay. When did it ever happen in the history of the United States, sir, that any legislation proposing to impose burdens of $5,000,000 upon the railways of the United States annually has been received with a silent acquiescence such as is now manifested? Truly the railway officials are suffering from intellectual paralysis or they have suddenly been converted to the creed of the Altruist or else they know the bill will save them money and that it was drawn in their interest.

Upon the other hand, to state this matter fairly, large numbers of telegrams and letters have been received by nearly every Senator of the body—I doubt not by all of them—but I challenge your thought to this: Nearly all those telegrams began to flood the Senate on about the same day, early in the month of April. They continued for four or five days, coming with great regularity and with considerable similarity of language, and then they practically ceased, and the majority of the later telegrams which have come and been read have implored Congress to postpone action upon this bill or to defeat it.

I take it that I am entirely within the facts when I assume that when this legislation was brought before Congress word was sent to the various organizations that here was a splendid measure, beneficial to them, and that the great principle of compensation was about to be recognized; and, without any intimate knowledge regarding the terms of this bill, these organizations acted and passed their resolutions, but that, some light having later come to them, they are beginning to wake up and to understand what is hidden within the terms of the bill. I

state it as my judgment, for whatever my judgment may be worth, that if this measure is postponed for three months there will arise against it from the labor organizations themselves such a storm as will accomplish its inglorious defeat. I denounce it to-day as the most vicious piece of legislation introduced in Congress in 20 years; and when I make that statement I do not make it in any light or frivolous manner, but as my deliberate judgment.

Sir, after many, many years of battle, persistent, almost heroic, the laboring men of the world have been gradually coming into their rights. I need not rehearse or trace the history of the law. All men, in this body, at least, know that there was a time when the man injured in an employment was without any substantial remedy; we know that as time elapsed and men became more decent the law became more humane, but that until the act of Congress of 1908 railway companies in many cases were able to shield themselves from liability behind three defenses: First, that the act was the result of the negligence of a fellow servant, and that therefore no liability attached to the master; second, that the accident was the result of the risks naturally incident to the business, and that the employee had assumed the risk; and, third, that the man suing had himself been guilty of negligence which in some degree, however slight, had contributed to the injury. Every lawyer who has ever defended a railroad company in a personal-injury suit has depended on those grounds, and every lawyer who has had the temerity and been guilty of the awful crime of suing a railroad company for some poor fellow mangled, maimed, and disfigured for life in a railway accident has had to meet one or all of these defenses.

So, Mr. President, after a contest lasting for a half century or more, those defenses were wiped out by Congress in the act of 1908. For the first time the rule of law was changed, so that when an employee was injured he could recover if the injury was contributed to by any negligence on the part of his employer, instead of being defeated, as the old rule was, if his act had contributed to the injury in the slightest degree.

This law having been enacted, it remained to pass one other law in order to give it potentiality and force, and that was to provide a forum where injured employees could obtain a fair trial before jurymen summoned from the vicinage in which they lived. So, by the act of 1910 it was provided that the suit could be brought in a State court and that it could not be removed by the railway company from that court to a Federal court. Then, for the first time, railway employees were armed with the ability to recover in every case save two; (1) where the injury was the result solely of their own negligence, and (2) where the injury resulted from an accident pure and simple. These acts were challenged both as to their scope and constitutionality, and it was only on the 15th day of last January they received the final approval of the Supreme Court of the United States. Now, having reached that point of perfection, where for the first time the rights of these men were secure and where everything was covered except mere naked accidents (accidents in no way contributed to by any negligent act of omission or commission on the part of the company), we find this state of facts.

In May, 1910, various claim agents of the railway companies began to consider ways and means to avoid the force and effect of these statutes. I hold in my hand, through the courtesy of the Senator from Georgia [Mr. SMITH], the only copy that I have ever been able to find of the minutes of the Association of Railway Claim Agents at their twenty-first annual meeting, held at the Hotel Patten, in the city of Chattanooga, Tenn., May 25, 26, and 27, 1910, and I challenge attention to some of the language which I shall read which was used at this meeting. I challenge attention to it because it clearly proves that legislation of the character provided in this particular bill now under discussion was advocated by these claim agents, and that if this bill does not actually owe its inception to that meeting of claim agents at least they there made fallow the ground.

Mr. OVERMAN. Mr. President, before the Senator reads that I think we ought to have a quorum. I therefore suggest the want of a quorum.

The VICE PRESIDENT. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Guggenheim	Lodge
Bacon	Crane	Heyburn	McCumber
Bourne	Culberson	Hitchcock	McLean
Brown	Davis	Johnson, Me.	Martine, N. J.
Bryan	du Pont	Johnston, Ala.	Myers
Chamberlain	Foster	Jones	Newlands
Chilton	Gallinger	Kern	Nixon
Clark, Wyo.	Gore	Lea	O'Gorman
Oliver	Poindexter	Shively	Stone
Overman	Pomerene	Simmons	Sutherland
Owen	Rayner	Smith, Ariz.	Swanson
Page	Reed	Smith, Ga.	Thornton
Paynter	Richardson	Smith, S. C.	Tillman
Penrose	Root	Smoot	Warren
Perkins	Sanders	Stephenson	Williams

Mr. BRYAN. I wish to announce that my colleague [Mr. FLETCHER] is necessarily absent.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Sixty Senators have answered to their names. A quorum of the Senate is present. The Senator from Missouri will proceed.

Mr. REED. Mr. President, the statement has been made to me that I omitted to say that the fellow-servant defense had been also wiped out. I think I included it in my statement. But I ought to say now, by way of further word preliminary, that in State after State the defenses which the companies have relied upon have been in process of abolition for many years, and that the act of the Federal Government in finally abolishing them and in giving the employee the right to begin and keep his case in the State courts produced a condition which challenged the careful and prayerful thought of these claim agents; that is, assuming that claim agents sometimes pray.

In this report of the claim agents' meeting I find that the following was the fifth topic which they took up for consideration:

Topic No. 5.—(a) What effect would the passage by Congress of compensation legislation for injured employees have upon the scope of the work of the claim department as now organized?

(b) Should such legislation be enacted, would not the claim departments of the carriers be the proper forums to handle the investigations of the accidents and to make the payments to the parties entitled?

There was also topic 2, which read as follows:

Topic No. 2.—(a) Does not the tendency of modern legislation, both Federal and State, in curtailing the defenses heretofore available to the carriers, demand that the claim departments should secure relatively a larger proportion of settlements than formerly rather than rely upon the hazards of a trial in the courts?

(b) Do not the existing conditions, caused by recent legislation, tend to enlarge the scope of the work of the claim departments and increase their efficiency for practical results?

Now, at this meeting of claim agents 91 railways or systems were represented, with an aggregate of over 200,000 miles of road. Among other companies present was the New York Central Railway. It was represented by Mr. F. V. Whiting.

Upon the commission that framed this bill sat W. C. Browne, president of the New York Central Railway, and when he was not present he was represented, not on the committee but before the committee, constantly by this same Mr. F. V. Whiting, the claim agent of the road; and Mr. F. V. Whiting, the claim agent of that road, was an active and interesting figure in the meeting of the claim agents, which is recorded in this book I hold in my hand. I shall have to weary the Senate a little—those who remain to listen—and to encumber the RECORD a little bit for the benefit of those who do not remain to listen, in order to challenge attention to these proceedings.

This same Mr. Whiting made a speech upon the topic "Compensation and Compensation Acts." He made it before this meeting of claim agents, and it is recorded there at pages 52 and succeeding pages. I shall not take the time to read all. There was a good deal of preliminary statement, but we finally get down to this statement by Whiting:

We have gradually seen the defense of "fellow servant" narrowed so far as corporations are concerned and broadened in its application to workmen until in some States, especially with reference to the hazardous part of the railway business, not a vestige remains. Likewise, the defense of "assumed risk" has been partially taken away, and we are now testing a Federal law which, to a great extent, abolishes the doctrine of contributory negligence.

A little later in his speech he discusses the various workmen's compensation acts, and finally he makes his suggestions as to the kind of workmen's compensation acts we should have. I challenge your thought to this, because right here from the lips of this claim agent, made in the secret meeting of the claim agents, is to be found the skeleton of this bill which they are now seeking to impose upon the Senate of the United States.

Second. It seems to me that compensation to a certain extent should be based upon the number and age of the next of kin—

You will find that in this bill—

i. e., greater compensation should be paid where deceased leaves a widow and several children than where he leaves but a widow. This can be accomplished by increasing the maximum rate on a percentage basis for each child.

You will find that at one place in the bill.

Fourth. All payments should, when possible, be based on previous average earnings and not on daily rates.

You find that in this bill; but the commission improved on the claim agent's scheme and "went him one better" by providing that no man's average wages should ever be considered

more than $100 per month, even though his actual earnings were greatly in excess of that amount.

Fifth. We should follow the advice of economic writers to the effect that when compensation is provided rights to recover damages should be eliminated.

You find that in this bill.

And it is the spinal column of the bill—if the bill can be said to have a spinal column. All right to recover damages at law is abrogated, just as recommended by these claim agents in this claim agents' secret meeting.

Then, I find this further statement:

In those States where the liability of the master has been greatly enhanced, where verdicts are beyond all reason, we would welcome reasonable legislation if it brings definiteness and certainty and excludes the chances and uncertainty of the present.

Thus in this convention of claim agents we find them welcoming the very kind of legislation proposed in this bill upon the specific ground that their old common-law defenses have been wiped out.

There were four or five members of the convention who addressed their brother claim agents. All of them agreed upon the desirability of substituting a compensation law for the present liability law. Finally I find this:

Mr. Wilson, of the Lackawanna, brought up the question of the compensation acts, suggesting that the Chair appoint a committee to go into the question thoroughly. Mr. Wilson stated that he considered this perhaps the most important question confronting the railroads today, and he felt that it was a matter which the association ought to take up and work out some practical suggestions. He said, further, that this was a work which would add dignity to the association and be appreciated by the railroad managers and also by any fair-minded commission appointed by the Government or by different States.

Mr. Wilson then made a motion that the Chair appoint a committee of five to investigate this subject and to report at the Montreal meeting. This motion was seconded, and after some discussion was carried. A motion was also made and carried that the secretary and treasurer be instructed to appropriate $150 or $200 to the use of this special committee for their legitimate and reasonable expenses.

The following was the committee named:

Special committee on compensation acts: F. V. Whiting, chairman, New York Central; W. C. Wilson, Lackawanna; G. E. McCaughan, Rock Island; R. C. Richards, Chicago & North Western Railway Co.; C. S. Pierce, Boston & Maine.

So here is the evidence that these claim agents recognized that modern legislation, and especially the acts of Congress, had so greatly increased the chances of an injured employee to recover that it had become to the interest of the railway companies to secure their repeal and the substitution of a compensation act. They knew that the same would be appreciated. It would "increase our dignity" and "render us of greater service to our employers," so they appointed a committee to take up this subject, and provided for the expenses of the committee.

Here, then, is the statement of Mr. Whiting himself, and there are concurring statements of a number of others of these claim agents, that a bill of this kind is a thing the railroads desire, because of the acts of Congress and in those States where laws similar to the Federal acts have been passed.

Now, Mr. President, let us see what they did. I come to the next annual meeting, and here again is a copy of the minutes of the Association of Railway Claim Agents, the same association, held in the succeeding year, May 24 to 26, 1911, at the Hotel Windsor, Montreal, Canada. I wish that these minutes might all be printed as public documents, if this bill goes over, and be sent to the various railway men's organizations.

You will recall that a committee was appointed at the preceding meeting to secure the passage of compensation acts.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED. Certainly.

Mr. SHIVELY. I had the misfortune not to hear the Senator when he first began his address. Is he reading from the minutes of a convention held by the Claim Agents' Association?

Mr. REED. I am. I have read from the minutes of the Association of Railway Claim Agents at their twenty-first annual meeting held in Chattanooga, Tenn., May 25 to 27, inclusive, 1910. At that meeting, I will say for the information of the Senator, a committee known as the committee on compensation acts was appointed, and I am now about to read from the report of the succeeding meeting held on the 24th to the 26th of May, 1911, and I propose to read the special committee's report.

Mr. SHIVELY. What I want to know is, Are these annual conventions?

Mr. REED. Yes; they are annual conventions of railway claim agents.

Mr. SHIVELY. They are held by representatives of these organizations, and the Senator is reading from the minutes of one of those annual conventions?

Mr. REED. I am; and these pamphlets are, of course, open for further examination by any Senator.

I call the attention of the Senator from Indiana further to the fact that a Mr. Whiting was the man who made a speech at the previous meeting in favor of this kind of legislation, and he was appointed chairman of the committee.

Now, here is Mr. Whiting's report, together with his fellow members'. Somebody asks here—I hear the voice, although I do not recognize it; some Senator—who is Mr. Whiting? I answer that Mr. Whiting was the claim agent of the New York Central Railway; and that one of the members of the commission which framed the bill we are now considering was the president of the New York Central Railway, and when he was not present on the commission Mr. Whiting sat in the room very steadfastly, very consistently, very attentively, and saw to it that no harm was done during the absence of his chief.

I read from the minutes:

The committee on special compensation acts then presented its report, read by Mr. F. V. Whiting (New York Central Lines):

REPORT OF SPECIAL COMMITTEE ON COMPENSATION.

During the past three years, at least, public thought has to a great extent been directed toward the question of compensating workmen injured in the course of their employment, not only for accidents caused through fault, but also for accidents arising out of the work, which are called inherent risks of the service. At our last annual meeting, held at Chattanooga, topic 5 of the program was that of "Compensation and compensation acts." It is not the intention of your committee to take up any time in rehearsing the history of this movement, and attention is only called to the paper presented at our last annual meeting, and the discussion thereon, so that those who desire may refresh their recollections by examining the minutes of the last meeting.

Your committee, at one of the several meetings it has held, reached the conclusion, owing to the fact that compensation acts were being considered in many States and that action would probably be taken in some of them during the winter, that the most effective and efficient way in which we could serve our association was to prepare a compensation act, to be used as a foundation for legislation everywhere. The committee felt that all the acts which had been suggested were patterned after the English act or acts drawn since and that, no doubt, if such a scheme were prepared it would be followed to some extent.

The committee therefore acquainted itself with laws which had been passed and with acts which were pending before various legislative bodies. It also gathered material from various State commissions and finally set to work to draft a compensation act. A tentative plan was completed, put in print, and submitted to the heads of the various claim departments of roads constituting the membership of the association, and a meeting was held at La Salle Hotel in Chicago on December 13 and 14, 1910.

Now, I remark by way of parentheses that the heads of the various claim departments are always the lawyers who defend the damage suits, so that the plan referred to in the report was submitted to them. I proceed with the reading:

Two days were spent in discussing the plan, and some slight modifications were adopted. It is strange that with an attendance of about 40 men, representing various lines in the United States and Canada, that there should have been such unanimity of thought and conclusions as we had at that meeting. The consensus of opinion was overwhelmingly in favor of compensation, there being three—possibly four—dissenting votes.

Mr. RAYNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. REED. Certainly.

Mr. RAYNER. May I ask the Senator the date of that?

Mr. REED. Yes, sir. It is May 24 to 26, 1911.

Mr. RAYNER. May I furthermore ask the Senator, if I do not interrupt him, at what time was the committee appointed to investigate this matter?

Mr. REED. I can not answer that question without stopping.

Mr. RAYNER. I will not interrupt the Senator. I simply wanted to know the date.

Mr. REED. The first hearing before the commission was May 10, 1911.

Mr. RAYNER. What is the date of the report?

Mr. REED. The date of the last report is May 25, 1911.

Mr. SMITH of Georgia. Give the date of the first action?

Mr. REED. The date of the first action is a year before that.

Behold, now, these tender-hearted claim agents consorting—their tender, sympathetic souls inspired alone by a compassionate desire to serve injured railroad men by compelling the railways to pay them more money than can be received at law. Who is so foolish as to be thus imposed upon? Yet the claim agents with one voice demanded a compensation act. Were they in favor of it because it would wipe the tears from the eyes of the widow? Did they demand it because it would bring the light of hope to the pain-dulled eyes of some man broken in body and health? Did they support it to the end that the orphan might be preserved from want? Were these the reasons, or was it because they knew if this act could be passed it would save money to the companies they represented? When were their natures and when were their sympathies transformed? In what moment, in what twinkling of an eye, did they change

from claim agents to traveling eleemosynary institutions? They were unanimously in favor of this bill that, according to the statements made here, is going to take millions from the railroads. If these claim agents had reported a bill that would have taken millions from their employers, if they had supported such a bill and forwarded such a measure, there is not one of them who does not know he would have been discharged immediately. I am not saying they are better or worse than other men, but I am saying they are no better than the ambulance chaser that has been abused here. I am saying that the disgraceful spectacle of a lawyer soliciting this business has more than its parallel in a spectacle more abhorrent—that is the presence of a claim agent of a railroad standing beside the bed of a man whose wounds are still bleeding, and trying, under those circumstances, to extort a statement from him.

I am saying that bad as is the ambulance chaser there is a creature in this world viler than he, and that is the man who will take advantage of a poor wretch lying stricken upon the railroad track and get a settlement from him before even a physician has arrived. And I am saying that there is a creature viler than he, and that is the president of a railroad who will authorize things of that kind; and if there is anybody viler than all of them, it is a man who would try to put a law upon the statute books that will despoil the widow and rob the orphan of a man who has gone bravely to his death with hand upon the brakes.

But I read on:

The consensus of opinion was overwhelmingly in favor of compensation, there being three (possibly four) dissenting votes. After this meeting the association, through its secretary, had the plan reprinted without showing that it was the work of the association, and the same has been given very general distribution throughout the country.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED. Certainly.

Mr. KERN. Is that last statement shown in the minutes of the proceedings?

Mr. REED. The distinguished Senator from Indiana, known throughout the United States, will oblige me by taking the minutes in his hand, so that out of the mouths of two or more witnesses every word may be established. I know the Senator did not mean to infer that I had misread. He simply meant that he did not know whether I was reading or talking. I am reading, and, lest I should be misunderstood, I will read it again. You will find it on page 44, at the close of the third paragraph of these minutes:

After this meeting the association, through its secretary, had the plan reprinted without showing that it was the work of the association, and the same has been given very general distribution throughout the country.

Why did they not want it known that it was the work of the association? Why these dark-lantern methods? Why this crawling through the shadows? Why this anonymous campaign? Why were these men proceeding secretly, unless the legislation they were promoting was in the interest of the railroads? They understood very well that if the men of this country knew that the bill had originated or was being fathered by the railroads themselves their employees would scan it with a microscope and would discover its iniquities and its injustices. Whenever it is necessary for an association to proceed surreptitiously, whenever it is necessary to send out an anonymous publication, whenever it is necessary to conceal facts, it is time for every honest man to regard its acts with suspicion and to investigate it with care. Such act bears the brand of dishonesty.

But I read on from the point where I paused a moment ago:

We are unable to state what influence this suggested plan has had on legislation, enacted or proposed. No doubt many of the members of the association here present can tell us of instances where the plan has been considered.

Thus these gentlemen, in effect, say, "We have scattered the poison broadcast through the country; we can not as a committee tell just what dog has picked it up; but our intelligent members, coming from various sections of the country, have probably observed and can enumerate the victims."

I do not intend by that illustration to compare these men to dogs, but I do mean to say that this method of scattering ideas in an anonymous, surreptitious way, in order that they may find root in the minds of others, is similar to the act of one who cunningly scatters poison for poor, dumb brutes to pick up, which would be rejected were the hand which scattered it known.

Mr. Whiting made this report, the same Mr. Whiting who was employed by the commission that framed this bill to furnish statistics which the commission regards as so valuable as to warrant their quotation in its report. Mr. Whiting, who while he did not sit on the commission sat with it almost constantly, made the infamous report to the claim agents I have just read. I read further from the same document:

We may state, however, that the act has been introduced in the Iowa Legislature verbatim—

They were doing very well in Iowa. I wonder who represented them in the Legislature of Iowa. I wonder what crooked fellow of that State or what foolish fellow was led to introduce, unbranded as it was, this legislative Maverick.

We may state, however, that the act has been introduced in the Iowa Legislature verbatim; that a voluntary compensation scheme has been passed in New Jersey, taking effect on July 4 next (that great day of liberty—

I wonder if this was irony, or satire, or just what it was intended to be, but here is the parenthesis—

taking effect on July 4 next (that great day of liberty, which was evidently selected as being the most appropriate day of the year on which the act should be put into effect).

Liberty for whom? Liberty for the down-trodden workingman, as the Irishman would say? Was it liberty for the employee or liberty for these concerns that do not want to stand beneath the responsibilities fixed upon them by the recent acts of Congress? Let us read it again:

We may state, however, that the act has been introduced in the Iowa Legislature verbatim; that a voluntary compensation scheme has been passed in New Jersey, taking effect on July 4 next (that great day of liberty, which was evidently selected as being the most appropriate day of the year on which the act should be put into effect), which in many respects is similar to our plan. It is voluntary in form, but compulsory in fact. Employers and employees are deemed to have consented to the act, unless they give notice to the contrary. New employees, unless specifically notifying employers on entering the service, are bound by the law.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. Certainly.

Mr. SMITH of Georgia. I desire to suggest that there is no quorum present.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Davis	Martine, N. J.	Richardson
Bacon	Dillingham	Myers	Root
Borah	Fall	Nelson	Sanders
Bourne	Gallinger	Newlands	Smith, Ariz.
Brown	Gore	Nixon	Smith, Ga.
Bryan	Guggenheim	O'Gorman	Smith, S. C.
Burnham	Hitchcock	Overman	Stephenson
Catron	Johnson, Me.	Owen	Stone
Chilton	Johnston, Ala.	Page	Sutherland
Clapp	Jones	Paynter	Swanson
Clark, Wyo.	Kern	Penrose	Tillman
Clarke, Ark.	Lea	Perkins	Townsend
Crane	Lippitt	Poindexter	Wetmore
Culberson	Lodge	Pomerene	Williams
Cullom	McCumber	Rayner	
Curtis	McLean	Reed	

Mr. BORAH. I desire to state on behalf of the members of the Committee on Interoceanic Canals that that committee is having a hearing, and witnesses are appearing before it, which accounts for the absence of some of the members of that committee.

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. A quorum of the Senate is present, and the Senator from Missouri will proceed.

Mr. REED. Mr. President, I was reading at the time the roll call began, I will say for the enlightment of those Senators who have come in since, a portion of the report of one of these claim agents, in which he gleefully boasts of the effect that has come from the anonymous publications they had sent out in favor of a compensation act, and in which he declares that the bill drawn by the claim agents had been introduced in the Iowa Legislature exactly as they wrote it. Another bill, similar to it, had been introduced in New Jersey, which, he says, while it is voluntary in form, is neverthless compulsory in fact. I had reached the interesting point where he said that in this bill—

Employers generally are penalized if they stay out of the compensation law, for the reason that all common-law defenses are abolished. If an employer comes into the act, he is relieved from the statutory liability imposed upon him, so far as those employees with whom he has contracts are concerned. However, employees who stay out of the act are given additional remedies against the employer. It really looks as if the only thing an employer in New Jersey can do, if he wants to operate under the compensation law, is to employ only those who will agree or consent to be bound by the law.

In other words, the compensation act was so favorable to the employer of labor, as introduced in New Jersey, that these gentlemen seemed to be disturbed as to just how men could be forced to accept it. Mr. Whiting states further:

Detailed maximum amounts are fixed for certain specific injuries, going further as to the extent in character of injuries than the plan proposed by the committee.

In other words, the Legislature of New Jersey had had the temerity to add somewhat to the bill prepared by these gentlemanly conspirators.

I proceed with the reading:

A law has also been enacted in the State of Wisconsin, the terms of which we have not as yet been advised.

A bill very similar to the New Jersey law has been introduced into the Pennsylvania Legislature.

There has also been introduced a Federal compulsory compensation law in the House of Representatives.

Now, this is all a catalogue of those things which this gentleman says resulted from the activity of the claim agents. I think he claimed too much, for I want to discuss this matter thoroughly and frankly. I think before the claim agents ever began to agitate this legislation, before they ever dreamed of accepting it, at the time when they were denouncing it as socialism and as anarchy, labor organizations were trying to have enacted compensation laws. But it was when the statutory law had advanced to a point where the railroad claim agents preferred a compensation law to a liability law that they then seized upon this measure and now boastfully take credit to themselves for all this legislation. I think that what they did succeed in doing, and all they succeeded in doing, was that they were able to influence and largely shape the character of the legislation which was passed in these various States.

Mr. President, those two documents explain very clearly why it is there is no opposition to this bill by the railroads.

The bill which we are now considering was introduced in the Senate on the 20th day of February, 1912. As early as the 25th day of February, 1912, and even earlier, the Senate began to be flooded with telegrams. It was impossible for those telegrams to have been based upon an accurate understanding of what was contained in this bill. In many instances the bill had not had time in due course of mail to reach those who sent the telegraphic importunities. Railway-employee organizations had not had their meetings and time to pass upon the measure. The bill had been amended and reamended up to the very day almost when it was introduced in Congress. Even the printed form which is submitted here shows amendments have been made after the bill was actually put in type. The telegrams, therefore, that have come to us in that early stage mean nothing more than that the officers of these organizations had reported back to the officers of the subordinate organizations, telling them that a compensation law had been agreed upon, and they were asked to lend their indorsement. They gave the indorsement as requested, not because they approved this particular bill, but because they approved the principle of compensation and believed they were getting a bill which would bring to them great benefits and blessings.

I say, as I said in the beginning of my remarks, if this bill is postponed until the members of these organization can have time to advise regarding it among each other and to understand its principles, it will be condemned by substantially a unanimous vote.

I sent this bill to some 10 or 12 societies that had wired me, asking me to give it support. With but two exceptions, after examining the measure, they have wired or written asking either that the bill be defeated or that action upon it be postponed.

Now, Mr. President, I want to discuss the bill itself.

Mr. RAYNER. If the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. REED. Certainly.

Mr. RAYNER. The Senator's speech is very instructive and interesting. I wish to ask him if the bill that has been reported by the committee is substantially the same bill that was prepared by these claim agents and sent to the legislatures of some of the States?

Mr. REED. I can not answer that, because the bill which was sent out they themselves say was sent without signature. My only information regarding that bill, or what is contained in it, is that which I gleaned from the reading of these minutes, and I do not find in these minutes repeated expressions of ideas which are embodied in the bill.

I would say this, however, that it would be inconceivable to me that these men would have brought the exact form of bill and laid it down to this commission, but what I do say is that the minutes which I have just read refer to the fact that a bill has been introduced in Congress, and they refer to it——

Mr. SUTHERLAND. What is the date when that statement was made?

Mr. REED. The statement was made in 1910.

Mr. SUTHERLAND. On what date in 1910?

Mr. REED. It is in the minutes of May 24 and 26.

Mr. SUTHERLAND. Of course that was long before this bill was prepared at all.

Mr. REED. The present bill; but a bill had been introduced in Congress—and I state, replying to the Senator from Maryland, while they do not say it is their bill, they catalogue it among those bills which they mention, after having asserted that they had sent out the form of a bill.

Mr. SUTHERLAND. Will the Senator from Missouri permit me to interrupt him?

Mr. REED. Certainly.

Mr. SUTHERLAND. There were two or three bills introduced in Congress. One bill introduced was called the Sabath bill. Another bill was introduced by Mr. LEWIS, a Member from the State of the Senator from Maryland. The bill which Mr. LEWIS introduced is what is generally called the Civic Federation bill—that is, it follows the general lines of the Civic Federation bill. A bill was prepared by the American Federation of Labor. Another bill which was prepared is what is called the commission's bill—that is, there were a number of commissioners appointed, one from each State, and they met and held meetings and prepared a bill which they put out. There have been innumerable bills put out.

Mr. RAYNER. May I ask the Senator——

Mr. SUTHERLAND. Let me say, however, with regard to the question which the Senator asked, I was chairman of this commission; and until the Senator from Missouri mentioned it I never heard of any claim agents' convention. There never was before our commission any bill suggested by any claim agents' convention. The first draft of the bill which was before our commission I prepared myself, and in preparing it I consulted all the laws that I could find. I went over the English law, the German law, the French law, the various laws that that have been presented by many commissions in the United States, the New Jersey law, which has been in operation, the Ohio law, and many others.

Of course, all these laws follow along the same general line. There are two general plans resorted to; one, as we have stated in our report, called the German plan and the other the English plan. If you follow the English plan, the skeleton of any one of these bills would be pretty much the same. But the bill of the commission, which is presented here, is the commission's bill; there is no one responsible for it except the commission, and any insinuation to the contrary of that is utterly false and unwarranted.

Mr. RAYNER. I should like to ask the Senator a question before he takes his seat, knowing how faithfully and laboriously the Senator has worked upon this measure and how impartially I believe he has done it.

I was going to ask him whether any bill had been presented prepared by these claim agents, because I suppose they had the right to present a bill. Of course it might put a different aspect to the case entirely. But what I should like to ask the Senator from Utah is this: Did the American Federation of Labor present either a bill or a skeleton of a bill?

Mr. SUTHERLAND. Not to us; but their bills were published.

Mr. RAYNER. They had a perfect right to do it.

Mr. SUTHERLAND. I can hand the Senator the book from my desk at any moment, and he will find published by the Bureau of Labor of the United States these various bills. They are all printed there in full. I can hand the Senator the volume in a moment. He may look at it. The American Federation of Labor bill is published, the Civic Federation bill is published, and this commission bill that I spoke of is published. They are all published. If there ever was a bill proposed by the claim agents' convention that was published, I never saw it. I say, and I repeat, that until the Senator from Missouri mentioned it I never heard of any action taken by any claim agents' convention.

Some two or three weeks ago the Senator from Missouri sent out a telegram to some of his constituents in an effort to antagonize this bill, and in that telegram something was said about the claim agents' convention and about this being a claim agents' bill. That was the first intimation I had ever had of it.

Now, let me say, further, there were before our commission, of course, testifying, several of these claim agents. They were before us urging us to recognize their beneficiary organizations, as they were called. We declined to do it. They were before us testifying, as others were, with reference to other matters. Employees were before us; lawyers representing the railroad companies were before us. Our commission was made up of two Members of the Senate, two Members of the House, and two members selected by the President. One of the members selected by the President was Mr. W. C. Brown, the president

of the New York Central lines; the other was Mr. D. L. Cease, the editor of the Railroad Trainman, and he was put upon the commission to represent the railroad employees. Mr. Brown was unable to attend a great number of our meetings.

Mr. Whiting, whose name has been mentioned here, was the chief claims attorney of the New York Central lines. Mr. Brown introduced him to the commission, and he informed us, in substance, that Mr. Whiting was a very well informed man—I never had met him before in my life—and that he could give information—we were seeking information from all sources—he could give information with reference to the details of accidents and various other things perhaps as well as any man in the United States. We availed ourselves of Mr. Whiting's statements and what information Mr. Whiting had, just as we did with others. Mr. Whiting sat in the room while we were at work. Mr. Cease, who was the representative of the railway employees, sat in the room, and he and Mr. Whiting discussed these matters. Sometimes they would agree upon a detail and sometimes they would not. So far, however, as Mr. Whiting's influencing the commission in any respect whatever is concerned, any more than they were influenced by the statement of any other witness—such an assumption as that is not only utterly false, but in view of the make-up of the commission it is utterly absurd. I do not know for what purpose the Senator from Missouri injects all this—I was going to characterize it—perhaps I had better not——

Mr. REED. Just characterize it any way your please, sir.

Mr. SUTHERLAND. Well, I will characterize it—all this stuff, because it is nothing more than stuff.

This bill is to be tested by itself. It ought to be taken by its four corners. If it is not a good bill, it ought to be voted down, and if it is a good bill it ought to be put in operation, it does not make any difference who is in favor of it or who is against it. So far as I am concerned I do not care.

Mr. REED. I feel that I ought to express my pleasure at the fact that the Senator has concluded the question that he rose to ask me, and I thank him for his courteous characterization of my remarks. I shall possibly some day reach that intellectual altitude where I may sit in the shadow of his greatness, and when I do I shall know that there are no other heights to scale.

Mr. President, I have not charged by innuendo that these claim agents wrote this bill; on the other hand, before the Senator took the floor, I had expressly disclaimed that idea; but I had charged, and I now charge, that these claim agents were actively interested in this species and character of legislation, that they desired to have it adopted, and that the ideas and the skeletonization of the very matters that went into this bill afterwards were approved by them in their meetings a year before this commission sat.

Mr. SUTHERLAND. Now, Mr. President——

Mr. REED. And I have charged, and I now charge, that Mr. Whiting practically represented a member of this commission. I base that upon the remarks just made by the Senator, that the president of the New York Central Railroad Co. was absent much of the time, and said Mr. Whiting would remain there and furnish information.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. SUTHERLAND. Mr. President, in what respect does the bill presented to the Senate represent the claim agents' proposed measure?

Mr. REED. I called attention to two or three, and before I get through my remarks I shall be prepared to furnish from the minutes of these meetings the things in which they agree with this bill. One thing was this, that the act should be exclusive, and that all legal rights should be wiped out except those reserved in the bill. That was not in accordance with the English act—the Senator said a little while ago this bill resembled it—but it is in conflict with the English act in this fundamental and vital principle.

Mr. SUTHERLAND. Yes.

Mr. REED. For the English act does preserve the right to proceed under the common and statute law or to proceed under the compensation act at the option of the injured man.

Another place where the suggestion these claim agents made in their meeting is found in this bill is that there should be no compensation during the first 14 days of injury. Those two things come to my mind now without going back and examining the minutes.

Mr. SUTHERLAND. Will the Senator permit me to say a word there?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. SUTHERLAND. So far as the exclusive feature of the proposed law is concerned, it is true that is not in the English law, but it is in every other European law with which I am familiar. The exclusive feature is in the New Jersey law—which, by the way, we followed in many respects—more than that of any other State law with which I am familiar. It is in a number of the other State laws. It is true that in some of the State laws which have been proposed there is a provision that where the negligence is personal—the personal negligence of the employer—then the employee shall have a right to sue; but in many of the State laws the law is exclusive. After a very thorough consideration and for the reasons which we have suggested in our report, we framed this law along exclusive lines.

With reference to the 14-day period, the 14-day period was the exact provision in the English law of 1896. It is true that in the law of 1906 they cut that waiting period down to a week, but for reasons which, if I have the opportunity later, I intend to go into, we followed the two-weeks period. The two-weeks period is also followed in some of the States of the Union. In Germany it is a 13-weeks period before any accident compensation can be allowed; during those 13 weeks the burden falling upon the sickness fund, and so on; in other words, these provisions are not original either with us or, if the claim agents advocated them, they are not original with them. They are well-known provisions in laws of this character.

Mr. REED. I expressly stated that the claim agents——

Mr. DAVIS. Mr. President——

Mr. REED. Just one moment, and then I will yield to the Senator.

I expressly stated that I did not claim that the claim agents originated these compensation ideas. On the other hand, I said that for many years they denounced those who believed in them as socialists; that they adopted them when it was more profitable to adopt them than to live under the laws which had been enacted in the various States and by the Congress of the United States.

What I said further was that these claim agents did agree upon many of the essentials contained in this bill, and that one of them was an important factor, at least as a witness or adviser, before the commission.

I now yield to the Senator from Arkansas.

Mr. DAVIS. If the Senator from Missouri will permit, I understood from the Senator from Utah that the commission followed largely the New Jersey law in framing this bill. Did I understand him correctly?

Mr. SUTHERLAND. I did not suggest to what extent.

Mr. DAVIS. Then, I understand from the Senator from Missouri that the claim agents were responsible for the New Jersey law.

Mr. SUTHERLAND. Oh, no; the New Jersey law was passed before——

Mr. DAVIS. He said they got it introduced almost verbatim in Iowa, and a very similar scheme had been adopted in New Jersey.

Mr. REED. I do not know whether this claim agent was telling the truth or not, because I have heard of claim agents who did not always tell the truth. I do not mean to say that it is a universal rule; I think there are exceptions.

Mr. SUTHERLAND. I do not think the Senator will find any such statement made by the claim agent, because it would be manifestly untrue. Claim agents did not have anything to do with the law in New Jersey.

Mr. DAVIS. If the Senator from Utah will permit me further, I beg to differ with him. The minute which was read does show that the claim agents in their last report claimed credit for the passage of the New Jersey law.

Mr. SUTHERLAND. Let us hear it.

Mr. REED. The minutes of 1911, page 44, last paragraph—I will read the whole paragraph—state:

> We are unable to state what influence this suggested plan—
>
> That is the plan the agents sent out—
>
> has had on legislation, enacted or proposed. No doubt many of the members of the association here present can tell us of instances where the plan has been considered. We may state, however, that the act has been introduced in the Iowa Legislature verbatim; that a voluntary compensation scheme has been passed in New Jersey, taking effect on July 4 next (that great day of liberty, which was evidently selected as being the most appropriate day of the year on which the act should be put into effect), which in many respects in similar to our plan. It is voluntary in form, but compulsory in fact. Employers and employees are deemed to have consented to the act, unless they give notice to the contrary. New employees, unless specifically notifying employers on entering the service, are bound by the law. Employers generally are penalized if they stay out of the compensation law, for the reason that all common-law defenses are abolished. If an employer comes into the

act he is relieved from the statutory liability imposed upon him, so far as those employees with whom he has contracts are concerned. However, employees who stay out of the act are given additional remedies against the employer. It really looks as if the only thing an employer in New Jersey can do, if he wants to operate under the compensation law, is to employ only those who will agree or consent to be bound by the law. Detailed maximum amounts are fixed for certain specific injuries, going further as to the extent in character of injuries than the plan proposed by the committee.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Oh, yes; certainly.

Mr. SUTHERLAND. Mr. President, I do not understand that it is there suggested that the plan of the bill prepared by those claim agents—if they did prepare one—was adopted by the New Jersey Legislature. It would be absolutely untrue if they did make such a statement, because, as a matter of fact, the New Jersey law was prepared by a commission; and that has been the case with reference to practically all of these State laws. The Wisconsin law was prepared in the same way, by a commission, as was the California law. There are laws of this character—I mean compensation laws—I think, in some 12 States in the Union; and I know that most of them, and I am inclined to think all of them, were prepared by a commission, upon which commission both the employing class and the employed class were represented in almost every instance.

Mr. REED. I can only refer again to the written language and say that it is the report of Mr. Frank V. Whiting, chairman. If he is untruthful, he is yet the same Whiting the distinguished Senator just said had rendered valuable service to the commission.

Mr. SUTHERLAND. Mr. Whiting is not untruthful. I found Mr. Whiting—and I think my colleague upon the commission, the Senator from Oregon [Mr. CHAMBERLAIN], will bear me out in the statement—to be a very truthful and a very well-informed gentleman.

Mr. REED. I have not charged him with being untruthful. I think he told the truth in his report to the claim agents.

Mr. SMITH of Georgia. Will the Senator from Utah allow me to ask him a question in order to call his attention to one thing?

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Missouri yield?

Mr. REED. In view of the fact that the Senator from Georgia wishes to ask the Senator from Utah a question, I will yield to him, and then I will yield to the Senator from Arkansas.

Mr. SMITH of Georgia. I only wish to ask the Senator from Utah if he was not inaccurate in his statement that the New Jersey law was compulsory?

Mr. SUTHERLAND. I did not state that the New Jersey law was compulsory.

Mr. SMITH of Georgia. I understood the Senator to say that it supplanted all other legislation.

Mr. SUTHERLAND. Oh, no; I did not so state.

Mr. SMITH of Georgia. I thought the Senator stated that it belonged to that class.

Mr. SUTHERLAND. Oh, no. What I said was that we have taken—I do not remember my exact language—many features from the New Jersey law, and the scheme of our compensation provision was taken from the New Jersey law.

Mr. SMITH of Georgia. The New Jersey law is not exclusive.

Mr. SUTHERLAND. Oh, no. It is just as was stated in the matter which the Senator from Missouri read awhile ago; the New Jersey law is elective in form, but compulsory in fact. If the Senator from Missouri will permit me, I will state, for the benefit of those who may be interested in it, how that comes about.

The New Jersey law provides that if the employer does not come under the compensation law he shall be liable as at common law, stripped of all the common-law defenses, and that if the employee does not come under the compensation law he shall have his right of action for negligence burdened with the common-law defenses, so that the effect of it is to hold over the heads of both classes a club.

Mr. REED. That is about what we would expect from New Jersey.

Mr. SUTHERLAND. The progressive governor of New Jersey——

Mr. REED. He did not recommend that, did he?

Mr. SUTHERLAND. He has advocated it very strongly.

Mr. REED. That is the strongest indictment I have heard against him.

Mr. SUTHERLAND. Well, the Senator will find that to be so.

Mr. MARTINE of New Jersey. Mr. President, if I may be permitted——

The PRESIDING OFFICER. To whom does the Senator from Missouri yield?

Mr. REED. I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. Mr. President, the distinguished Senator from Missouri I think is very unfortunate in his expression. You may expect from New Jersey not evil legislation, but good legislation. For many years "New Jersey justice" has been proverbial.

I will say with reference to the New Jersey compensation act, that it has met with the almost universal approbation of the workmen, and particularly of the railroad engineers, in our Commonwealth. There is no State in this Union that is more directly and seriously affected by railroad accidents than the State of New Jersey. Little though we are geographically, we are sandwiched between the great West and the great metropolis of New York. We are gridironed with railroads, and railroad accidents in that State run into the thousands where in other States they run into the hundreds.

As I have said, the New Jersey law has met with universal commendation and favor. I have received, I will say—I had no thought of making this expression, but since the Senator from Missouri, my most lovable and delightful friend—and I hate to be divergent with him, for we are entirely in harmony in general thought—has referred to New Jersey, I will say I have received, from railroad men almost entirely, 148 letters and telegrams favoring the adoption of this bill, and I have received but 12 letters and telegrams opposing this bill. In answer to the suggestion that these letters and telegrams came from the head of a great railroad corporation or through his dictation or influence I will say that on their face they disprove that suggestion.

I shall vote for this measure. It is not all I would like, there are some provisions which I should like to be different, but I believe it to be a step in the right direction and that it is a good bill, and God knows some of us hope to live—I do—to aid in rectifying these ills and evils.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I yield to the Senator from Arkansas.

Mr. DAVIS. Just for a moment. The Senator from Utah asked the Senator from Missouri to mention the points of similarity between the bill before the Senate and the skeleton bill as prepared by the claim agents. The Senator from Missouri pointed out two very striking features of similarity. Now, I would suggest to the Senator from Missouri that if he will only get the bill that has been introduced almost verbatim in Iowa, he will find, in substance, the bill that is before the Senate to-day. That will answer the question of the Senator from Utah.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. I do.

Mr. CHAMBERLAIN. I desire to say, in this connection, that I have never seen the bill of the claim agents at any time. I will make the further statement that you might compare the bill of this commission with the bills that are in force in nearly every country in the world where such measures are in force, and you would find that there are features that are almost exactly alike. I think it fairer to assume that the railway claim agents, if they did prepare a bill, must have followed, in their essential features, some of the acts that are in force on the Continent of Europe.

Mr. REED. Mr. President, just passing from that particular thought for the moment and replying to my good friend from New Jersey, first I want to say that I should not have made the remark that "one would expect that sort of legislation from New Jersey," because no man has a right to reflect upon a great State. The thing I had in mind which prompted me to make the statement was the fact that New Jersey has been so procorporate in its legislation until recent years; thus in the heat of debate I used the expression I did.

Mr. MARTINE of New Jersey. I should like to say——

Mr. REED. Now, for the benefit of the Senator from New Jersey let me state that it is only recently that the highest court of New Jersey decided that a labor organization could not meet together for the purpose by peaceful means of persuading others to quit work. The decree of the highest judicial tribunal of New Jersey was that that was the law of New Jersey.

That court solemnly held that a statute declaring it to be lawful for men to meet and by peaceable means endeavor to induce others to quit work was in contravention of the constitution of the State of New Jersey.

Mr. MARTINE of New Jersey. Will the Senator permit me one word just there?

Mr. REED. If the Senator will let me conclude this thought I will yield.

I call the attention of the Senate and of the Senator to the further fact that it is not at all remarkable that any kind of law that would give any kind of relief or compensation should have been welcomed by the working classes of New Jersey, in view of the fact that, contrary to the history of most other States, all or substantially all of the old common-law defenses have been preserved in New Jersey until this very recent legislation. So that until this very recent legislation every engineer or fireman or conductor who suffered the loss of a hand or a foot was met with the defense of contributory negligence; he was met with the defense of assumption of risk; he was met with the defense that the accident had occurred through the act of a fellow servant—with the most rigid application of that doctrine. So that these people had come to understand that they practically had no rights except where they could show the clearest and most absolute case at common law. Therefore people thus situated, thus hampered, would naturally welcome any law that would give them compensation upon any terms; but I call the Senator's attention—and I do it most respectfully, for he knows how thoroughly I respect him—to the fact that under the Federal laws now applicable every man affected by this bill has the right to recover compensation unless his own negligence was the sole cause, or unless the injury occurred without the negligence of any person whatsoever. I say, therefore, no matter what the Senator's opinion may be, that the law of New Jersey is an unjust law, because it says, "Here is a compensation act; now, if you will come in and agree to accept its terms, Mr. Employee, then, if your employer also accepts, you may obtain a very meager compensation. But if you dare to refuse acceptance then you can be met with all the old common-law defenses of fellow servant, assumption of risk, and contributory negligence, and thus can be stricken down. It was a legislative device—I do not care who concocted it—to compel people to accept compensation in lieu of their legal and constitutional rights, and no wonder these claim agents gleefully refer to it as being compulsory in fact while it is voluntary in form.

Mr. MARTINE of New Jersey. Mr. President, if the Senator will permit me, I am not here to defend the claim agents, but I am here in defense of the New Jersey statute upon this particular subject. That statute in its workings has proved eminently satisfactory and has met with almost universal approval.

Now, with reference to that particular——

Mr. REED. If I may ask the Senator a question, how long has that statute been in force?

Mr. MARTINE of New Jersey. About a year and a half.

Mr. REED. To whom does it apply?

Mr. MARTINE of New Jersey. It applies to workingmen in many industrial pursuits.

Mr. REED. To laboring men?

Mr. MARTINE of New Jersey. Yes.

Mr. REED. Then, it is not like this bill.

Mr. MARTINE of New Jersey. No; but the same results would follow.

Mr. REED. Oh, no.

Mr. MARTINE of New Jersey. I think that is probably so. We are willing to admit the fact, as the Senator from Missouri has suggested, that for 40 or 50 years we have been under a cloud, under a ban. I am willing to admit that. God knows there has been no State of this Union that has been dominated over more and persecuted more by corporate greed and influence than has been New Jersey; but, thank God, we live in a brighter day; there is a new dawn; we have a Democratic governor who has brought about this great result, and my hope and ambition is that we may press his policies further along until the whole United States may be blessed with his force and his advanced ideas.

Mr. REED. I am willing to admit of record—and I do it gladly—that Woodrow Wilson is a vast improvement over anything you have had in public office in New Jersey for many years; and I am also willing solemnly to admit of record that my good friend, the Senator from New Jersey [Mr. MARTINE], is a vast improvement over some of the other men who have filled that office from the State of New Jersey. I do not refer to the personality of any of these men; I am not comparing them as individuals, but in the fact that human beings are now represented instead of the inordinate greed of gigantic aggregations of wealth. I congratulate the State of New Jersey upon the change, and I trust they will continue to progress along this glorious, sunlit highway until they reach the plane where old Missouri and other good progressive States have been for the last 40 years.

Now, Mr. President, I want to discuss this bill, and I will conclude what I have to say with a word further in reply to the Senator from Utah. He has compared this bill with the laws of European countries; he compared it with the German law. Constantly we are hearing that comparison. Let me call the attention of the Senate to the fact, as I understand it—I may be in error and, if so, the Senator from Utah will correct me—that in Germany there was substantially no right of action on the part of the employee when he was injured unless, possibly, when he was injured by the direct act of the master, and I am not sure that it existed then. For all practical purposes it was nil, and therefore the idea of compensation was taken up not for the purpose of substituting it for liability which existed, as we are doing here, but for the purpose of creating a sort of pension for the unfortunate, and it has proceeded upon that line in Germany and upon that line alone. It is a very different proposition therefore from taking away from men those rights reserved to them under the Constitution, under the statutes, and under the common law, and giving them a substitute therefor which is inadequate.

I understand further that what is true of Germany is true of other continental countries, and that what the gentlemen have been doing is to try to draw a law for American citizens, who possess legal and constitutional rights, and to base it upon the experience of the proletariat of Europe, who had no rights. It is a very different proposition.

When, however, we come to England, the one country which most nearly approaches ours, we find that the rights of the Englishman at common law were preserved to him, and that those rights at common law had been extended by the act of Parliament, and that that act of Parliament had been further extended until in England the right of recovery had become a very broad and generous right; that when they came to adopt the compensation act in England they did not wipe out the legal rights of the English citizen. They allowed those rights to stand and gave him the option to accept this law or to proceed under his legal rights; and one of these claim agents, to wit, Mr. Whiting, after having discussed the English act before his board of claim agents, advocated a departure from that great fundamental principle retained in the English act, to wit, the right of every man to hold his legal rights and to have this additional remedy or alternative remedy. Mr. Whiting advocated that we abandon that, and we do abandon it in this bill.

Now, sir, I have this to say: I have no objection whatever to the enactment of this bill, even with all its bad provisions, and I think many of them wholly bad, if you will make it a right which may be exercised by the men, reserving to them the rights they already have at law. But when you propose to strike down the rights of the American citizen as they have been crystallized and sanctified in the common law for hundreds of years; when you propose to strike down all the rights guaranteed to him by the statutes of all the various States of this Union, and finally wipe out what was done by the act of Congress; when you propose to destroy those rights and substitute this bill with all of its shortcomings and its iniquities, I say you are doing a grave and dangerous thing.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Oh, yes.

Mr. SUTHERLAND. The Senator a moment ago spoke about the German law and said that, in his opinion, it did not, as I understood him, allow a recovery for negligence—that it practically prevented any recovery at all.

Mr. REED. My understanding has been—I want to be frank about it, and if I am in error I want to be corrected—that for all practical purpose the employee in Germany was without remedy.

Mr. SUTHERLAND. The Senator is in error about that. As early as 1838 the German law provided that, in the case of railroads, they should be liable for all accidents, irrespective of their negligence, unless the railroad company could prove that the accident was caused by the fault of the injured person or by act of God, the risks inherent in the industry itself not being so designated.

Mr. REED. That is a statutory law. Am I not correct in the statement that, outside of the statutory law, they did not have any right of recovery?

Mr. SUTHERLAND. But this statutory law was passed in 1838.

Mr. REED. I understood the Senator.

Mr. SUTHERLAND. The compensation law was not passed until about 25 years ago.

Mr. REED. And it applies to all?

Mr. SUTHERLAND. It applies to all.

Mr. REED. The other applied only to railroad men.

Mr. SUTHERLAND. That is true with reference to that law; but with reference to other industries, some time prior to the compensation law being adopted the master was responsible for his own negligence, but it left proof of negligence to be made by the employee. But, substantially, the English law, so far as that was concerned, prevailed in Germany.

Mr. REED. The fact remains, as I understand, that the ordinary employee had no remedy, except where it was the direct negligence of the master, but that in the case of railroad employees they did have a remedy and the compensation law of Germany is not limited to railway employees, but embraces all classes of employees.

Mr. SUTHERLAND. There was a more liberal remedy in the case of railroads, but in the ordinary industries substantially the common law of England prevailed in Germany. Of course it was not the common law there.

Mr. REED. I do not know what the Senator's authority is, but in going through some of the hearings I have found statements to the contrary, that it was really an act which for the first time conferred rights upon those people. But, even if that is not true, it is of small moment in this discussion. The main fact to be considered here, regardless of where this bill originated, regardless of whether it suits the railroads or does not suit them, is what will be its effect upon the railway employees and upon the railroads, is it a just and proper measure to be enacted into law.

Mr. President, I want to discuss this question at length.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. Certainly.

Mr. OVERMAN. I offer an amendment to the pending bill, which I desire to have printed by to-morrow.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. SMITH of Georgia. Mr. President, the Senator from Missouri [Mr. REED] has been on his feet two hours, and I move that the Senate take a recess until 2 o'clock to-morrow.

Mr. SUTHERLAND. I hope that will not be done. The Senator from Missouri we all recognize has been on his feet a long time and is no doubt weary, but we can proceed with the reading of the bill and dispose of the committee amendments.

Mr. SMITH of Georgia. Is a motion to take a recess debatable? Does the same rule apply to a motion to take a recess?

Mr. SUTHERLAND. I hope the motion will not prevail. It is yet early.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate take a recess until 2 o'clock to-morrow.

Mr. CHAMBERLAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oregon suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	McCumber	Sanders
Bacon	Curtis	McLean	Shively
Borah	Davis	Martine, N. J.	Smith, Ariz.
Bourne	Fall	Myers	Smith, Ga.
Bradley	Gallinger	Nelson	Smith, S. C.
Bryan	Gore	Newlands	Stephenson
Burnham	Guggenheim	Nixon	Sutherland
Catron	Hitchcock	Overman	Swanson
Chamberlain	Johnson, Me.	Page	Tillman
Chilton	Johnston, Ala.	Paynter	Warren
Clapp	Jones	Poindexter	Wetmore
Clarke, Ark.	Kern	Reed	Williams
Crawford	Lea	Richardson	
Culberson	Lodge	Root	

Mr. BRYAN. My colleague [Mr. FLETCHER] is absent on business of the Senate.

Mr. WILLIAMS. I wish to state that my colleague [Mr. PERCY] is detained on committee work.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the motion of the Senator from Georgia [Mr. SMITH], that the Senate take a recess until 2 o'clock to-morrow. [Putting the question.] The "noes" appear to have it.

Mr. SMITH of Georgia. I will change the hour to 12 o'clock. That was what I rose for.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate take a recess until 12 o'clock to-morrow. [Putting the question.] The "noes" appear to have it.

Mr. OVERMAN. I ask for the yeas and nays.

The yeas and nays were ordered and the Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I am paired for the day with the Senator from Pennsylvania [Mr. OLIVER], who is absent on a matter of importance. If he were present he would vote "nay," while I would vote "yea."

The roll call was concluded.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. Has that Senator voted?

The PRESIDING OFFICER. He has not voted, the Chair is informed.

Mr. BURNHAM (after having voted in the negative). I transfer the pair to the junior Senator from Illinois [Mr. LORIMER] and will let my vote stand.

Mr. BRANDEGEE. I am paired with the junior Senator from New York [Mr. O'GORMAN] and therefore withhold my vote.

Mr. HEYBURN (after having voted in the negative). I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. I am informed by those who are willing to speak for him that were he present he would vote "nay." I have therefore disregarded the pair and voted "nay."

Mr. CURTIS. The senior Senator from Ohio [Mr. BURTON] is paired with the Senator from Florida [Mr. FLETCHER].

Mr. FOSTER. May I inquire if the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. FOSTER. I have a general pair with him, and therefore withhold my vote.

Mr. CHILTON. I desire to announce that my colleague [Mr. WATSON] is paired with the Senator from New Jersey [Mr. BRIGGS].

Mr. MYERS. I transfer the pair I have just announced with the Senator from Pennsylvania [Mr. OLIVER] to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. BRANDEGEE. I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "nay."

The result was announced—yeas 25, nays 44, as follows:

YEAS—25.

Ashurst	Hitchcock	Overman	Smith, Ga.
Bacon	Johnston, Ala.	Paynter	Smith, S. C.
Bryan	Kern	Pomerene	Thornton
Clarke, Ark.	Lea	Reed	Tillman
Culberson	Martine, N. J.	Shively	
Davis	Myers	Simmons	
Gore	Newlands	Smith, Ariz.	

NAYS—44.

Borah	Crane	Jones	Poindexter
Bourne	Crawford	Lippitt	Richardson
Bradley	Cummins	Lodge	Root
Brandegee	Curtis	McCumber	Sanders
Bristow	Dillingham	McLean	Smoot
Brown	du Pont	Nelson	Stephenson
Burnham	Fall	Nixon	Sutherland
Catron	Gallinger	Page	Swanson
Chamberlain	Guggenheim	Penrose	Townsend
Chilton	Heyburn	Percy	Wetmore
Clapp	Johnson, Me.	Perkins	Williams

NOT VOTING—26.

Bailey	Fletcher	Lorimer	Smith, Mich.
Bankhead	Foster	Martin, Va.	Stone
Briggs	Gamble	O'Gorman	Warren
Burton	Gardner	Oliver	Watson
Clark, Wyo.	Gronna	Owen	Works
Cullom	Kenyon	Rayner	
Dixon	La Follette	Smith, Md.	

So the motion of Mr. SMITH of Georgia was rejected.

Mr. SUTHERLAND. I know the Senator from Missouri is weary, and to relieve him I will ask that the bill be read for action on the committee amendments.

Mr. REED. Mr. President, I prefer to go on with my remarks if the Senate insists upon staying here. I want to say to the Senator from Utah, and to all the Senators, that this is no filibuster, this is no attempt merely to consume the time of the Senate for the purpose of killing the bill. I had some remarks to make about it which I probably would have concluded by this time had I not been interrupted when the Senator from Georgia asked that we take a recess at the usual hour until to-morrow, which was only a proper courtesy under the cir-

cumstances, and one that I have never questioned, and one which is generally extended to others.

But if the Senate proposes to sit regardless, then I will proceed in the ordinary way, and I want a quorum here every minute.

I simply want to state——

Mr. SUTHERLAND. Will the Senator permit me?

Mr. REED. I think Senators have misapprehended our attitude. We are not trying to consume time here. We want to debate this question.

Mr. SUTHERLAND. I was going to suggest a course which probably would obviate any difficulty. I am not anxious to keep anybody here—nobody on this side is—an unreasonable time. Yet I think we ought within a reasonable time to come to a vote on this bill. I will ask unanimous consent that on Saturday at 3 o'clock a vote be taken on the bill and all amendments then pending or then to be offered.

Mr. SMITH of Georgia. I do not know whether the unanimous-consent agreement could be modified, but if it could be I would not consent to its modification.

Mr. SUTHERLAND. Oh, yes; it has been done.

Mr. SMITH of Georgia. I understand it can not be. I understand the Senator from Massachusetts——

Mr. SUTHERLAND. I know that particular thing has been done.

Mr. SMITH of Georgia. I understand it has been held that a unanimous-consent agreement can not be changed.

The PRESIDING OFFICER. The attention of the Chair was diverted. Will the Senator from Utah kindly restate his proposition?

Mr. SUTHERLAND. I asked unanimous consent that a vote upon the bill and all pending amendments be taken, beginning at 3 o'clock on Saturday.

The PRESIDING OFFICER. In the opinion of the Chair that would be changing the unanimous-consent agreement, which the Chair thinks can not be done.

Mr. SUTHERLAND. Very well.

Mr. OVERMAN. I think the Senator from Utah will not lose anything if he will consent to take a recess until to-morrow at 12 o'clock. The Senator from Missouri has been speaking and has not yet reached the details of the bill. Owing to interruptions that has been impossible, and he has spoken much longer than he would have otherwise done. The Senator from Utah should not insist that we should go on and require him to speak further to-day. This courtesy has been given to every one in my recollection during nine years of service here. Do you propose to make an example of him? When you do that you are not going to make anything by it. I appeal to the Senator from Utah to let a recess be taken now until to-morrow at 12 o'clock. The bill has been read, I understand.

Mr. ROOT. The bill has not been read. We have been all day under the unanimous-consent agreement. The Senator from Utah has been vainly endeavoring to get the bill read for action on the committee amendments. I do not think the Senator from North Carolina knows how much like a threat his observation sounds. I do not think he intended it, but it sounded very much like a threat.

Mr. OVERMAN. I say that this same courtesy has been extended to other Senators.

Mr. ROOT. The Senator from Utah has offered everything that courtesy can suggest to relieve the weariness of the Senator from Missouri by proceeding to have the bill read for action on amendments.

Mr. OVERMAN. Let me ask the Senator from New York if that would be a wise thing to do when the Senator from Missouri is discussing the bill generally? The next amendment probably will cause an hour at least of debate.

Mr. ROOT. Perhaps not.

Mr. OVERMAN. I know it will.

Mr. ROOT. Let us see if the Senate wishes to debate the amendment. It will give the Senator from Missouri the rest his associates desire for him, but for which he does not seem to be very anxious.

Mr. OVERMAN. There have been some general speeches made on the subject by the Senator from Utah, who is usually courteous, and the Senator from Oregon [Mr. CHAMBERLAIN]. Only one speech has been made on the other side. Now, the Senator from Missouri is making a speech on the general bill, and I think it is not right to break into the Senator's speech and begin to discuss the amendments. I hardly think the Senator from New York would say that that would be exactly fair.

Mr. ROOT. The orderly procedure would have been to settle the amendments before speeches were made upon the general subject of the bill.

Mr. OVERMAN. That might have been so.

Mr. SMITH of Georgia. That has not been the practice, so far as I have observed it here. If it is it would seem to be a very strange practice. The general discussion ought to precede all special amendments, I should think. I wanted to have my amendment read before the bill itself was dealt with, because I thought before dealing with the amendments of the committee it was but fair to have also read the amendments intended to be offered by others. My only reason for objecting to reading the bill for amendment was that I know the practice here, and the better practice here would be a general discussion, and then come to the amendments, taking up the committee amendments and then the amendments offered by other Senators.

Mr. LODGE. Mr. President, I rise merely to ask a question. Has the formal reading of the bill been dispensed with?

The PRESIDING OFFICER. It has been dispensed with by the action of the Senate.

Mr. LODGE. The bill is now to be read for amendment?

The PRESIDING OFFICER. It is.

Mr. OVERMAN. The bill has been read.

The PRESIDING OFFICER. It is in the line of being read for amendment.

Mr. LODGE. Speeches can be made at any stage of a general character when the bill is being read.

The PRESIDING OFFICER. There is no question on that point at all.

Mr. CLARKE of Arkansas. Mr. President, before the Senator from Missouri proceeds I want permission to make a statement that I think is timely just at this point.

This bill has been under discussion for an hour or two. It is an exceedingly important bill, one of some complication. It is a bill that involves an entirely new rule in the legislative system of the country. It is one that I entirely approve, and one for which I intend to vote.

I do not believe anyone has abused the patience of the Senate, or that anyone desires to do so. I think the motion for a recess at this time, looked at from the standpoint of a supporter of this proposition, is entirely reasonable and right and ought not to meet with serious opposition. Certainly it should not meet with opposition based on the assumption that anyone is attempting to unduly obstruct the consideration of this measure. It is going too far to assume that any such purpose is entertained by anyone. I trust Senators will treat it from the standpoint of courtesy and the high plane of fairness which has characterized the proceedings of this body, and not at the outset undertake to wave a red flag or provoke a condition of warfare here that the occasion does not justify. I say this to my friend from Utah.

Mr. SUTHERLAND. Mr. President, nothing would be further from any desire of mine than to insist upon going ahead if a very large proportion of the Members of the Senate do not feel inclined to do so, but I do think we ought to dispose of the bill this week.

Mr. CLARKE of Arkansas. I see no reason why it should not be done; and I have every reason to believe that it will be done.

Mr. SUTHERLAND. I was going to suggest to the Senator and to the Senate that so long as this measure is before the Senate undisposed of, we can of course do nothing else.

Mr. CLARKE of Arkansas. We ought not to desire to do anything else. It is a matter of sufficient importance in itself to justify the entire time of the Senate while it is under consideration.

Mr. SUTHERLAND. The Senator is perhaps familiar with the situation on that side of the Chamber.

Mr. CLARKE of Arkansas. I am entirely familiar with the situation on the other side of the Chamber, too.

Mr. SUTHERLAND. Does the Senator think that we can get a vote on the bill by Saturday?

Mr. CLARKE of Arkansas. I see no reason why we should not get a vote, if fair debate has been exhausted, at that time. I have not been aware of any purpose on the part of anyone to captiously obstruct the consideration of the bill, and I do not believe any such purpose prevails.

Mr. SUTHERLAND. Very well. I move that the Senate take a recess until 10 minutes before 12 to-morrow.

The PRESIDING OFFICER. The Senator from Utah moves that the Senate take a recess until 11 o'clock and 50 minutes a. m. to-morrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m., Thursday, May 2) the Senate took a recess until 11 o'clock and 50 minutes a. m. Friday, May 3, 1912.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 2, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, deepen our reverence for Thee and increase the divine within us that it may dominate the human and bring us closer to Thee, that we may hallow Thy name in thought, word, and deed. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

GOOD ROADS CONGRESS.

Mr. DUPRÉ. Mr. Speaker, in connection with the elaborate discussion which has recently been had in this House on the subject of good roads and in view of the general interest manifested in this important question, I take occasion at this time to call attention to the fact that the Fifth National Good Roads Congress will meet in the city of New Orleans on May 16, 17, 18, and 19, 1912.

The people of the State of Louisiana have evinced the greatest interest in good roads. In 1910 a constitutional amendment was adopted imposing a general tax of one-fourth of a mill therefor, and it is worthy of note that, while the people of the city of New Orleans will under the terms of that law receive but slight direct benefit as compared with other portions of the State and will yet be compelled to pay the same tax as those owning property outside of the city, the constitutional amendment was carried in the city of New Orleans by a heavy vote. The people of that city realize the inestimable value of good roads and feel that any improvement in them in rural sections must of necessity sooner or later redound to the benefit of urban communities. I mention this fact to show that in our State, at least, there is no clash or conflict between the city and the country on this great question. I trust that a similar spirit of mutual cooperation obtains and will obtain in other parts of the Union.

I beg leave to submit the official call of Arthur C. Jackson, president of the National Good Roads Association, under whose auspices the coming congress in the city of New Orleans is to be held, and the proclamation of Jared Young Sanders, governor of Lousiana, in reference thereto, which I ask to be inserted in the RECORD:

OFFICIAL CALL OF THE FIFTH NATIONAL GOOD ROADS CONGRESS.

To the people of the United States:

The Fifth National Good Roads Congress is hereby called to meet at New Orleans, May 16, 17, 18, and 19, Chicago June 17, and Baltimore June 24, 1912, under the auspices of the National Good Roads Association.

May 16 and 17 will be devoted to the general problem of good roads and streets in their relation to the city, State, and Nation, at which time a Louisiana State good roads association will be developed.

May 18 will be woman's day in connection with the First Louisiana Woman's State Good Roads Convention to be conducted by the club women of Louisiana.

May 19 will be good-roads Sunday, in which the churches of all denominations are urged to participate in a union meeting in recognition of the vital relationship of good roads and streets to the church, school, and home.

June 17, at Chicago (the day before the Republican Party national convention), and June 24, at Baltimore (the day before the Democratic Party national convention), will be devoted to plans for securing good-roads planks in the national party platforms and a general recognition and adoption of State and national aid for the construction and maintenance of public highways.

Officials of all States, counties, cities, associations, corporations, and women's clubs are invited to send delegates.

The President of the United States and ex-President Roosevelt have been named as honorary presidents of this congress. The Vice President of the United States, ex-Vice Presidents Morton, Stevenson, and Fairbanks, the Speaker of the House of Representatives, the Cabinet, United States Senators, Congressmen, and governors of States and Territories honorary vice presidents. Members of State and Territorial legislatures, State highway commissioners and engineers, officers of all good roads, agricultural transportation, industrial, commercial, educational and religious organizations, mayors of cities, State and county superintendents of schools, clergymen, teachers, all members of women's clubs, all rural free-delivery carriers, and the editors of all regular publications honorary members.

The history of the National Good Roads Association has been one of continuous and successful promotion of the good-roads movement since its organization in 1900. Its objects are, first, to associate all interested organizations and individuals in a universal demand for the permanent improvement of public roads and streets; second, to secure better results from the millions of dollars annually expended upon the public roads and streets; third, to have established in all States and Territories highway departments with practical engineering supervision; fourth, to secure thorough teaching of highway engineering in all universities and agricultural colleges; fifth, to utilize all able-bodied tramps, vagrants, paupers, prisoners, and convicts in preparing materials and building public roads and streets; and sixth, to secure State and national aid for the construction and maintenance of permanent public roads.

The good-roads movement in nearly every State had its inception in conventions held by the National Good Roads Association; hundreds of conventions have been held and hundreds of thousands of good-roads addresses have been distributed.

On May 23, 1908, the National Good Roads Congress was incorporated under the laws of the State of Illinois to associate all interested in a national movement for good roads, and the following call was signed by the governors of 40 States and the mayors of more than 100 leading cities:

"Recognizing a well nigh universal sentiment in favor of better public highways and believing that a general discussion of this great problem from every point of view will prove timely and effective, the undersigned join in urging all interested to attend the National Good Roads Congress at Chicago, June 15, 1908, and Denver, July 6, 1908, that the results of its deliberations may be presented for the consideration of the coming national conventions, all legislative bodies, and the public in general."

As a result of the congress the Republican national convention at Chicago adopted the following good-roads plank in its platform:

"We recognize the social and economic advantages of good country roads, maintained more and more largely at public expense and less and less at the expense of the abutting owner."

And the Democratic national convention at Denver declared:

"We favor Federal aid to State and local authorities in the construction and maintenance of post roads."

The second National Good Roads Congress was held at Johns Hopkins University, Baltimore, May 18, 19, 20, and 21, 1909, and in Washington, D. C., May 22, 1909. It was opened by Cardinal Gibbons and addressed by Vice President SHERMAN, Speaker CANNON, Gov. Crothers, and many of the most prominent men in public life.

The third national congress was held at Niagara Falls, N. Y., July 28, 29, and 30, 1910, and was addressed by distinguished good-roads advocates from 11 States and from Canada.

The fourth national congress was held at Birmingham, Ala., May 23, 24, 25, and 26, 1911, with 1,364 delegates in attendance from 18 States.

The importance of this movement for good roads is being recognized as never before, and it is felt that when the women of the Nation add their influence to that of the press and clergy a victory will have been won, greater and more far-reaching in effect than any other within a generation. For it is a matter of tremendous import that in the United States bad roads are directly responsible for the loss of a billion dollars a year, and the saving of this stupendous sum surely constitutes an economic question of vast importance.

When the agricultural production of the United States for the past 11 years totals more than $70,000,000,000 a sum to stagger the imagination, and it cost more to take this product from the farm to the station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good roads instead of bad would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the wisest and best statesmanship.

Great as is the loss to transportation, mercantile, industrial, and farming interests, incomparably greater is the loss to women and children and social life, a matter as important as civilization itself, and the truth of the declaration of Charles Sumner 50 years ago, that "the two greatest forces for the advancement of civilization are the schoolmaster and good roads," is emphasized by the experience of the intervening years and points to the wisdom of a union of educational forces for aggressive action for permanent roads and streets.

New Orleans is the place and May 16, 17, 18, and 19 is the time.

THE NATIONAL GOOD ROADS ASSOCIATION,
ARTHUR C. JACKSON, *President.*

Proclamation of State of Louisiana.

Whereas the people of Louisiana have by constitutional amendment adopted a special tax for use in State aid for good roads;

Whereas this movement for the betterment of our highways is absolutely essential to our material development and is fast gaining in strength in every community of our State; and

Whereas on the invitation and earnest solicitation of the mayor and the commercial organizations of the city of New Orleans it has been decided to hold the next meeting of the National Good Roads Association in the city of New Orleans on May 16, 17, 18, and 19, 1912:

Now, therefore, I, Jared Young Sanders, governor of Louisiana, do hereby issue this, my proclamation, calling on the mayors of our several cities, towns, and villages, the police juries of our several parishes, farmers' organizations, agricultural clubs, and commercial bodies to appoint and send delegates to this Good Roads Congress, and I request these delegates appointed and all other good citizens whose convenience will permit to attend this Good Roads Congress and thereby obtain the direct and inestimable benefit of an interchange of ideas and experiences with the delegates from other States.

In testimony whereof I have hereby set my hand and caused to be fixed the great seal of the State this 15th day of April, 1912.

[SEAL.] J. Y. SANDERS, *Governor.*
EDW. EVERETT, *Secretary of State.*

POST OFFICE APPROPRIATION BILL.

The SPEAKER. The unfinished business for to-day is the disposition of the Post Office appropriation bill. The previous question was ordered on the bill H. R. 21279 and all amendments to its final passage.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to offer an amendment to the bill H. R. 21279, the Post Office appropriation bill, which passed on Tuesday, and ask that it be read.

The SPEAKER. The bill has not been passed.

Mr. FOSTER. It has passed the Committee of the Whole. This is a matter to which the gentleman from Connecticut [Mr. REILLY] had an amendment, and it was understood it was to be offered. He is unavoidably absent to-day and has requested that I ask unanimous consent that the amendment be offered.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 23, line 18, by inserting after the word "mail" the following:

"*Provided*, That the sum of $6,000 be immediately available for the payment to the widow or next of kin of J. S. March, O. S. Woody,

and W. L. Gwinn, sea post clerks, who lost their lives on the S. S. *Titanic*, said sum to be equally divided, $2,000 to each widow or next of kin."

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to offer the amendment which has just been reported. Is there objection?

Mr. MANN. Reserving the right to object, I understand the proposition as now presented would make available $6,000—$2,000 a person——

Mr. FOSTER. Yes, sir; that is correct.

Mr. MANN (continuing). On account of the mail clerks who lost their lives in the *Titanic*, which, if the provision which is already inserted in the bill were already in the law, they would receive anyhow?

Mr. FOSTER. That is correct. We inserted a provision in the law that sea postal clerks should receive the same amount as railway postal clerks; that is, $2,000 to be paid the legal representatives for each person who loses his life while in the service by accident.

Mr. MANN. This would simply provide as though the law had already been in operation when this disaster happened?

Mr. FOSTER. Yes, sir; the same thing.

Mr. MANN. I ask the gentleman from Illinois [Mr. FOSTER] this. I do not know of any law in existence now that would authorize the payment.

Mr. FOSTER. There is not any law now that provides for sea post clerks.

Mr. MOON of Tennessee. This is, in effect, an extra appropriation for that purpose?

Mr. FOSTER. Yes; for that purpose—that these three men who lost their lives in the *Titanic* disaster should be paid the same amount as those railway postal clerks who lose their lives in the discharge of their duty.

Mr. MOON of Tennessee. In other words, under existing law, if these men had lost their lives on the railroad, their widows or heirs would in each case have got $2,000, but for want of law covering the sea postal clerks their widows or children would get nothing except for this appropriation?

Mr. FOSTER. That is correct.

Mr. BATHRICK. Employed in the United States service?

Mr. FOSTER. Yes; employed in the United States service.

Mr. BARTLETT. Mr. Speaker, I notice that the amendment of the gentleman says "widows or next of kin." The amendment offered says the money shall be paid "to the widows or next of kin." It seems to me it ought to go to the widows and children surviving, and if none, to their dependent parents. The gentleman's amendment reads "to their widows or next of kin."

Mr. FOSTER. I could not say as to that.

Mr. CALDER. I can say, for the information of the gentleman, that Mr. Gynn had a wife and six children.

Mr. BARTLETT. The money should go to the wife and children surely. I call the attention of the gentleman to the matter. It may be amended in some other place. The provision should be guarded as to who shall be the beneficiaries. It is virtually a gift by the Congress. Of course, I am willing to give this to them, but it ought to go to the people who are dependent. We so provide in the law with regard to the postal clerks on railroads. It should be the same language in both cases, affecting railway postal clerks and sea postal clerks. The person or persons next of kin might be third or fourth cousins, and it might be that there is nobody dependent on these deceased clerks. The next of kin might be able to take care of himself and have ample means. The object of the law in the case of a postal railway clerk is to provide for the dependent family of one who dies or is killed on the railroad.

Mr. FOSTER. I will state to the gentleman that the present law provides for the payment of $2,000 to the legal representative and makes that $2,000 exempt from use or seizure for any debts.

Mr. BARTLETT. In that way it would go into the estate of the man who was killed, and it would be administered and turned over to his wife and children or other dependents.

Mr. FOSTER. I think it would go to the next of kin of these three sea postal clerks.

Mr. BARTLETT. One might have a wife and children, and the others might not have anything but cousins, uncles, or aunts.

Mr. FOSTER. I could not answer the gentleman positively, but my understanding is that these postal clerks, if they have not wives, have immediate relatives, as, for instance, a mother, who would be paid this amount of money.

Mr. BARTLETT. If the gentleman would provide as they do in the matter of the Life-Saving Service, the money would go to the widows and children or dependent parents. In other words, when the Government gives this as a gratuity, the Government ought not to be called upon to contribute something by reason of the death of one of its employees to somebody who is not dependent on the person who dies or is killed, or to somebody who may be competent to take care of himself. The idea of the law is to take care of the widows and children and those dependent on those who die or are killed in the service of the Government; not to everybody who may be of kin to them. I do not feel like objecting, Mr. Speaker. It would be an ungracious thing to do. I suggest, however, to the consideration of the gentleman from Illinois [Mr. FOSTER] and of my friend from Tennessee [Mr. MOON] that if this amendment is adopted it should be so framed as to take care of the people who were dependent on these clerks.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment to the Post Office appropriation bill?

Mr. MANN. Mr. Speaker, I demand a separate vote on what is known as the Shackleford amendment and on what is known as the Barnhart amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands a separate vote on the Shackleford amendment and another separate vote on the Barnhart amendment. The Clerk will report the Shackleford amendment.

Mr. FOWLER. Mr. Speaker, I ask for a separate vote on what is known as the Mann amendment for the Sunday closing of the post offices.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] demands a separate vote on the Mann amendment about closing post offices on Sunday. Is a separate vote demanded on any other amendment besides these three? If not, the Chair will put the rest of them in gross.

No other separate vote was demanded.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the Shackleford amendment.

The Clerk began the reading of the amendment, which is as follows:

On page 35, at the end of line 7, insert the following:

"That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

"Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of Class B, and $15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act, under and in accordance with rules and regulations prescribed jointly by the Secretary of the Treasury and the Postmaster General: *Provided, however*, That no payment shall be made under the provisions of this paragraph for the use of any privately owned or toll road.

"The provisions of this paragraph shall go into effect on the 1st day of July, 1913."

During the reading,

Mr. MANN. Mr. Speaker, I ask unanimous consent that the further reading of the amendment be dispensed with.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the further reading of the amendment be dispensed with. Is there objection?

There was no objection.

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 136, noes 49.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 240, nays 86, answered "present" 4, not voting 61, as follows:

YEAS—240.

Adair	Driscoll, D. A.	Johnson, S. C.	Rauch
Adamson	Dupré	Jones	Rees
Aiken, S. C.	Dwight	Kendall	Richardson
Ainey	Dyer	Kennedy	Roberts, Nev.
Akin, N. Y.	Edwards	Kinkaid, Nebr.	Robinson
Alexander	Ellerbe	Lafean	Roddenbery
Allen	Esch	Lafferty	Rodenberg
Anderson, Minn.	Estopinal	La Follette	Rothermel
Anderson, Ohio	Faison	Lamb	Rouse
Ansberry	Farr	Langham	Rubey
Anthony	Fergusson	Langley	Rucker, Colo.
Ashbrook	Ferris	Lee, Ga.	Rucker, Mo.
Austin	Finley	Lee, Pa.	Russell
Barchfeld	Flood, Va.	Legare	Saunders
Barnhart	Fordney	Lenroot	Sells
Bathrick	Foster	Lever	Shackleford
Bell, Ga.	Fowler	Lewis	Sharp
Blackmon	French	Lindbergh	Simmons
Boehne	Gardner, N. J.	Littlepage	Sisson
Booher	Garner	Lloyd	Slemp
Borland	Glass	Lobeck	Sloan
Bowman	Godwin, N. C.	Loud	Small
Bradley	Goeke	McGillicuddy	Smith, J. M. C.
Broussard	Good	McGuire, Okla.	Smith, Saml. W.
Brown	Goodwin, Ark.	McKellar	Smith, Tex.
Browning	Gould	McKenzie	Speer
Buchanan	Graham	McKinney	Stanley
Burke, S. Dak.	Gray	McLaughlin	Stedman
Burke, Wis.	Green, Iowa	Maguire, Nebr.	Steenerson
Burnett	Gregg, Tex.	Martin, Colo.	Stephens, Cal.
Butler	Griest	Martin, S. Dak.	Stephens, Miss.
Byrnes, S. C.	Gudger	Matthews	Stephens, Nebr.
Byrns, Tenn.	Guernsey	Miller	Sterling
Candler	Hamilton, Mich.	Moon, Tenn.	Stone
Cannon	Hamilton, W. Va.	Morgan	Sulloway
Cantrill	Hamlin	Morse, Wis.	Sweet
Carlin	Hammond	Moss, Ind.	Taggart
Carter	Hardy	Mott	Talbott, Md.
Cary	Harrison, Miss.	Murdock	Taylor, Colo.
Claypool	Hartman	Neeley	Taylor, Ohio
Clayton	Haugen	Norris	Thistlewood
Cline	Hawley	Oldfield	Thomas
Collier	Hay	O'Shaunessy	Towner
Cooper	Hayden	Padgett	Tribble
Covington	Heald	Page	Turnbull
Cox, Ohio	Heflin	Palmer	Underhill
Crago	Helgesen	Parran	Underwood
Cullop	Helm	Patton, Pa.	Volstead
Currier	Henry, Tex.	Pepper	Warburton
Daugherty	Holland	Pickett	Watkins
Davis, Minn.	Howard	Plumley	Webb
De Forest	Howell	Porter	Wedemeyer
Dent	Howland	Post	Whitacre
Denver	Hubbard	Pou	White
Dickinson	Hughes, Ga.	Powers	Wickliffe
Difenderfer	Hull	Pray	Willis
Dixon, Ind.	Humphreys, Miss.	Prince	Wilson, Pa.
Dodds	Jackson	Prouty	Wood, N. J.
Doremus	Jacoway	Raker	Young, Kans.
Doughton	James	Ransdell, La.	Young, Tex.

NAYS—86.

Ayres	Floyd, Ark.	Levy	Sabath
Bartholdt	Foss	Littleton	Scully
Bartlett	Fuller	Longworth	Sherley
Beall, Tex.	Gallagher	McCall	Sherwood
Berger	Garrett	McCoy	Sims
Brantley	George	McDermott	Slayden
Bulkley	Gillett	Macon	Stephens, Tex.
Calder	Goldfogle	Madden	Stevens, Minn.
Catlin	Hamill	Maher	Sulzer
Conry	Hayes	Malby	Talcott, N. Y.
Copley	Henry, Conn.	Mann	Taylor, Ala.
Curry	Higgins	Mondell	Thayer
Dalzell	Hill	Moore, Pa.	Tilson
Danforth	Hughes, N. J.	Moore, Tex.	Townsend
Davis, W. Va.	Humphrey, Wash.	Murray	Tuttle
Dies	Kent	Needham	Utter
Donohoe	Kindred	Nelson	Wilder
Draper	Kinkead, N. J.	Nye	Wilson, Ill.
Driscoll, M. E.	Knowland	Patten, N. Y.	Wilson, N. Y.
Evans	Kopp	Payne	Witherspoon
Fairchild	Korbly	Peters	
Fitzgerald	Lawrence	Rainey	

ANSWERED "PRESENT"—4.

Campbell	Moon, Pa.	Riordan	Young, Mich.

NOT VOTING—61.

Ames	Fields	Johnson, Ky.	Redfield
Andrus	Focht	Kahn	Reilly
Bates	Fornes	Kitchin	Reyburn
Burgess	Francis	Konig	Roberts, Mass.
Burke, Pa.	Gardner, Mass.	Konop	Sheppard
Burleson	Greene, Mass.	Lindsay	Smith, Cal.
Callaway	Gregg, Pa.	Linthicum	Smith, N. Y.
Clark, Fla.	Hanna	McCreary	Sparkman
Connell	Hardwick	McHenry	Stack
Cox, Ind.	Harris	McKinley	Switzer
Cravens	Harrison, N. Y.	McMorran	Vreeland
Crumpacker	Hensley	Mays	Weeks
Curley	Hinds	Morrison	Woods, Iowa.
Davenport	Hobson	Olmsted	
Davidson	Houston	Pujo	
Dickson, Miss.	Hughes, W. Va.	Randell, Tex.	

So the amendment was agreed to.

The following pairs were announced:

For the session:

Mr. PUJO with Mr. MCMORRAN.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. SMITH of New York with Mr. CRUMPACKER.

Mr. CLARK of Florida with Mr. AMES.

Mr. CONNELL with Mr. BURKE of Pennsylvania.

Mr. CURLEY with Mr. FOCHT.

Mr. FIELDS with Mr. GREENE of Massachusetts.

Mr. FRANCIS with Mr. HARRIS.

Mr. HOBSON with Mr. HUGHES of West Virginia.

Mr. JOHNSON of Kentucky with Mr. MCCREARY.

Mr. KONOP with Mr. ROBERTS of Massachusetts.

Mr. LINTHICUM with Mr. HINDS.

Mr. HARRISON of New York (against) with Mr. MCKINLEY (in favor).

Mr. MCHENRY with Mr. SWITZER.

Mr. RANDELL of Texas with Mr. VREELAND.

Mr. RILEY with Mr. WOODS of Iowa.

Mr. KITCHIN with Mr. OLMSTED.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. COX of Indiana with Mr. REYBURN.

Mr. SHEPPARD with Mr. BATES.

Mr. MORRISON with Mr. SMITH of California.

Mr. BURLESON with Mr. KAHN.

Mr. GREGG of Pennsylvania with Mr. Young of Michigan.

Mr. HARDWICK with Mr. CAMPBELL.

From April 17 to May 1:

Mr. BURGESS with Mr. WEEKS.

From April 13 to May 4:

Mr. HENSLEY with Mr. HANNA.

Mr. LANGLEY. Mr. Speaker, I answered "present" because of a general pair that I have with my colleague Mr. FIELDS. I am informed that if he were present he would vote "yea," and therefore I desire to vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LANGLEY, and he voted "Yea," as above recorded.

Mr. CAMPBELL. Mr. Speaker, I have a pair with the gentleman from Georgia, Mr. HARDWICK. On the roll call I answered "yea." I desire to withdraw that and answer "present."

The Clerk called the name of Mr. CAMPBELL, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will report the Barnhart amendment.

The Clerk read as follows:

As an amendment to the amendment, after line 15, page 28, of H. R. 21279, insert the following:

"That it shall be unlawful for any person, association, or corporation to enter or deposit, or to have entered or deposited, into the mails of the United States, as second-class mail matter, any newspaper, magazine, or other periodical publication of like kind published in the United States, unless such publication shall have plainly printed in a conspicuous place therein the name or names of the managing editor or managing editors, the name or names of the publisher or publishers, and the name or names of the owner or owners, including the name or names of the owner or owners of stock, bonds, or other securities, to the amount of $550 or more, which have been issued or sold by the said person, association, or corporation owning or controlling such publication and which may be outstanding: *Provided*, That in the case of newspapers published daily or daily except Sunday it shall be sufficient to publish said names once each week on the same day each week. Also all editorial or other reading matter published in any such circulating periodical, for which money or other consideration is accepted by the publisher or publishers, shall be plainly marked "advertisement", or signed by the name or names of the person or persons in whose interest or interests such article is published. Any person, association, or corporation that shall so enter or deposit, or have entered or deposited, in the mails of the United States any such newspaper, magazine, or periodical publication of like kind in violation of the foregoing provisions shall be guilty of a misdemeanor and be fined in any sum not less than $100 nor more than $1,000 for each offense: *Provided*, That nothing in the paragraph contained shall apply to or include periodical publications published by or under the auspices of fraternal or benevolent societies or orders or trade unions."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 175, nays 54.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 243, nays 77, answered "present" 3, not voting 68, as follows:

YEAS—243.

Adair	Alexander	Ansberry	Ayres
Adamson	Allen	Anthony	Barchfeld
Aiken, S. C.	Anderson, Minn.	Ashbrook	Barnhart
Akin, N. Y.	Anderson, Ohio	Austin	Beall, Tex.

Bell, Ga.	Foster	Lenroot	Rouse
Berger	Fowler	Lever	Rubey
Blackmon	French	Lindbergh	Rucker, Colo.
Boehne	Gallagher	Linthicum	Rucker, Mo.
Booher	Garner	Littlepage	Russell
Borland	Garrett	Littleton	Sabath
Bowman	George	Lloyd	Saunders
Broussard	Glass	Lobeck	Scully
Brown	Godwin, N. C.	Longworth	Shackleford
Buchanan	Goeke	Loud	Sharp
Bulkley	Good	McDermott	Sherwood
Burke, S. Dak.	Goodwin, Ark.	McGillicuddy	Sims
Burke, Wis.	Gould	McGuire, Okla.	Sisson
Burnett	Graham	McKellar	Slemp
Byrnes, S. C.	Gray	McKenzie	Sloan
Byrns, Tenn.	Green, Iowa	McKinney	Small
Candler	Gregg, Tex.	Macon	Smith, J. M. C.
Cantrill	Griest	Maguire, Nebr.	Smith, N. Y.
Carlin	Gudger	Malby	Smith, Tex.
Carter	Hamilton, W. Va.	Martin, Colo.	Stedman
Cary	Hamlin	Martin, S. Dak.	Steenerson
Clayton	Hammond	Matthews	Stephens, Cal.
Cline	Hardy	Moon, Tenn.	Stephens, Miss.
Collier	Harrison, Miss.	Moore, Tex.	Stephens, Nebr.
Conry	Haugen	Morgan	Stephens, Tex.
Cooper	Hawley	Morrison	Sterling
Copley	Hayden	Morse, Wis.	Stone
Covington	Hayes	Moss, Ind.	Sulzer
Cox, Ohio	Heflin	Mott	Sweet
Cullop	Helgesen	Murdock	Taggart
Curry	Helm	Needham	Talbott, Md.
Danforth	Henry, Tex.	Neeley	Taylor, Ala.
Daugherty	Holland	Nelson	Taylor, Colo.
Davenport	Howard	Norris	Taylor, Ohio
Davis, Minn.	Hughes, Ga.	Oldfield	Thayer
Davis, W. Va.	Hughes, N. J.	O'Shaunessy	Thomas
Dent	Hull	Padgett	Towner
Denver	Humphrey, Wash.	Page	Tribble
Dickinson	Humphreys, Miss.	Parran	Turnbull
Dies	Jackson	Patton, Pa.	Underhill
Difenderfer	Jacoway	Pepper	Underwood
Dixon, Ind.	Johnson, S. C.	Peters	Volstead
Donohoe	Jones	Pickett	Warburton
Doremus	Kendall	Porter	Watkins
Doughton	Kennedy	Post	Webb
Driscoll, D. A.	Kent	Pou	Wedemeyer
Edwards	Kinkaid, Nebr.	Powers	Whitacre
Ellerbe	Kinkead, N. J.	Pray	White
Esch	Kopp	Prince	Wickliffe
Estopinal	Korbly	Rainey	Willis
Evans	Lafean	Raker	Wilson, Ill.
Faison	Lafferty	Rauch	Wilson, N. Y.
Fergusson	La Follette	Rees	Wilson, Pa.
Ferris	Lamb	Richardson	Witherspoon
Finley	Langham	Roberts, Nev.	Young, Kans.
Flood, Va.	Langley	Robinson	Young, Tex.
Fordney	Lee, Pa.	Roddenbery	

NAYS—77.

Ainey	Fairchild	Knowland	Sells
Bartholdt	Farr	Lawrence	Sherley
Bartlett	Fitzgerald	Lee, Ga.	Simmons
Bathrick	Floyd, Ark.	Legare	Slayden
Brantley	Foss	McCoy	Smith, Saml. W.
Browning	Fuller	McKinley	Speer
Butler	Gardner, N. J.	McLaughlin	Stevens, Minn.
Calder	Gillett	Madden	Sulloway
Cannon	Goldfogle	Maher	Talcott, N. Y.
Catlin	Guernsey	Mann	Tilson
Crago	Hamilton, Mich.	Miller	Townsend
Currier	Hartman	Mondell	Tuttle
Dalzell	Heald	Moore, Pa.	Utter
De Forest	Henry, Conn.	Nye	Vreeland
Dodds	Higgins	Patten, N. Y.	Wilder
Draper	Hill	Payne	Wood, N. J.
Driscoll, M. E.	Howell	Plumley	Young, Mich.
Dupré	Howland	Ransdell, La.	
Dwight	Hubbard	Rodenberg	
Dyer	Kindred	Rothermel	

ANSWERED "PRESENT"—3.

Campbell	McCall	Riordan

NOT VOTING—68.

Ames	Fields	Hughes, W. Va.	Palmer
Andrus	Focht	James	Prouty
Bates	Fornes	Johnson, Ky.	Pujo
Bradley	Francis	Kahn	Randell, Tex.
Burgess	Gardner, Mass.	Kitchin	Redfield
Burke, Pa.	Greene, Mass.	Konig	Reilly
Burleson	Gregg, Pa.	Konop	Reyburn
Callaway	Hamill	Levy	Roberts, Mass.
Clark, Fla.	Hanna	Lewis	Sheppard
Claypool	Hardwick	Lindsay	Smith, Cal.
Connell	Harris	McCreary	Sparkman
Cox, Ind.	Harrison, N. Y.	McHenry	Stack
Cravens	Hay	McMorran	Stanley
Crumpacker	Hensley	Mays	Switzer
Curley	Hinds	Moon, Pa.	Thistlewood
Davidson	Hobson	Murray	Weeks
Dickson, Miss.	Houston	Olmsted	Woods, Iowa

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HARRISON of New York with Mr. HINDS.

Mr. GREGG of Pennsylvania with Mr. SMITH of California.

Mr. JAMES with Mr. CRUMPACKER.

The result of the vote was announced as above recorded.

PARCEL POST.

Mr. SULZER. Mr. Speaker, as an evidence that the people of this country want a general parcel post along the lines of the amendment I offered to the pending Post Office appropriation bill, and that I was right in what I said concerning the matter, I desire to read at this time a leading editorial from the New York Press, dated May 1, 1912:

PARCEL-POST ZONES.

Senator BOURNE proposes a zone system of charges in the parcel-post bill he has just introduced, with varying rates running up to 12 cents a pound for packages not more than 11 pounds carried farther than 2,000 miles. The lowest charge under the Bourne bill is 15 cents for an 11-pound package carried within the limits of a city. On the whole, the average rate of the Bourne bill is far lower than 8 cents a pound in the zones within 1,000 miles, except that the 1-pound package in the 1,000-mile zone pays 9 cents, but each additional pound at 5 cents brings the rate for the maximum package going that distance down to 59 cents as against the 88 cents it would cost under the Sulzer bill. Beyond the zones lying within 1,000 miles the rate, of course, is far higher than the uniform charge of 8 cents a pound for a maximum package of 11 pounds under the measure advocated by Representative SULZER, of New York.

But the Sulzer bill is preferable to the Bourne measure because it is based on the same idea as the uniform letter postage for all distances. That idea rests on the law proclaimed in 1837 by Rowland Hill and ever since adopted by the Governments of the world, and it is this: That once a public transport service is in operation the cost of its use is regardless of the distance traversed upon the moving machinery by any unit of traffic within its capacity.

In the debate on the parcel post a question was asked by Representative NORRIS which occurs to every one unfamiliar with the principle on which the uniform letter postage is based. It would cost 88 cents, under the Sulzer scheme, to send a package weighing 11 pounds across the river from Washington to Alexandria. Did not the gentleman think that charge would be exorbitant and unreasonable? Representative SULZER'S reply was: "No more so in comparison than the cost for a letter carried the same distance."

It is right that mail matter of all kinds should be carried on the uniform system of charges. No distinction should be made in principle between a letter and a package. If the same man shipping a package from Washington to Alexandria for 88 cents were to ship another package from Alaska to Portland, Me., the 88 cents would seem ridiculously low. But the cost of the service in the two cases put together would be met by the two charges for the service combined.

Senator BOURNE'S project is unwelcome not only because it would introduce into the postal scheme a principle at variance with one of its fundamentals but because it opens up a new avenue of discussion and delay. Like the proposition for the Government to buy out the express companies and assume their monopoly itself, the zone-system idea has the effect of distracting attention from the sound and simple program embodied in the general parcel-post measure which Representative SULZER has long been urging on Congress. That bill has the approval of many organizations representing millions of citizens. It is the program upon which all advocates of the parcel post who want to stop talking and establish that great public convenience are in full agreement. Senator BOURNE has done the country great service, and we regard the act of the Republicans of Oregon in retiring him from his seat at the recent primaries as altogether deplorable. But it was perhaps because of a belief on their part that his advocacy of the parcel-post principle was not effective that Mr. BOURNE was deprived of another term in the Senate.

Every Member of Congress who really wants t' parcel post will vote for the Sulzer bill. Anyone who votes against it will have difficulty in making the people believe that he is not interested in swelling the golden gains of the extortionate express monopoly.

Mr. Speaker, that editorial from one of the great progressive newspapers of this country speaks for itself and needs no further comment from me.

I now read another editorial, from the New York Evening Mail, dated May 1, 1912:

AN IMITATION PARCEL POST.

About the best that can be said for the parcel-post feature of the Post Office appropriation bill as approved by the House is that it is a makeshift, which is more likely to complicate than to simplify the whole question to which it relates.

The measure provides for an experimental parcel post for rural routes exclusively and a general system applicable to parcels of fourth-class mail matter not exceeding 11 pounds in weight. The rate for the general system is fixed at 12 cents a pound, as prescribed by the International Postal Union, but for the rural route system the rate is 5 cents for the first pound and 1 cent for each additional pound.

The trouble with this arrangement is that it divides parcel-post traffic into two classes and prescribes a different rate for each. In other words, it proposes a discrimination in postal rates based solely on the route over which the traffic passes. In that respect it is a repudiation of the principle of uniformity in charges which governs the entire mail service.

It is amazing that this ill-considered measure should have received the approval of the House as against the Sulzer bill. The latter proposes a simple, businesslike parcel post, general in scope and uniform in rates. The people want it, but the express companies do not, and that explains what has happened.

Mr. SULZER. Mr. Speaker, that editorial is from one of the leading Republican papers in this country. It tells the story, and I am glad to put it in the RECORD.

I now read another editorial from the New York Evening Mail, dated April 29, 1912:

GIVE US A REAL PARCEL POST.

As a demonstration of the art of making two bites of a cherry the creation of a limited parcel post, as proposed in the Post Office appropriation bill now before Congress, may be all right, but as a measure of business policy it is all wrong. If the parcel-post system is sound it should be general, not limited. The proposal for a limited system, together with the creation of a special commission to investigate its op-

eration, is a shifty expedient that will please nobody bue the express companies, from whose extortions the public demands relief.

There is no need of an inquiry as to the desirability of a general parcel post. The value of the system is certified to by every Government that has adopted it. In its ramifications and efficiency our mail service is the best in the world, but in its provisions for carrying merchandise packages we are away behind even the smaller of the European countries. To establish a limited parcel post, confining the service to packages on particular routes, would be an injustice to the routes excluded. It would be like granting a 1-cent letter rate on certain routes and charging 2 cents on others.

The Sulzer bill embodies the true and business-like method of dealing with the matter. It proposes a general parcel-post system applicable to the entire mail service, without any frills or commissions. Naturally, the express companies are opposed to it, but that fact is one of the strongest arguments for its enactment.

Mr. SULZER. Mr. Speaker, that editorial tells the truth, and I hope it will be read by the taxpayers of the country.

I now read an editorial, dated Monday, April 29, 1912, from the New York Evening Globe, a fearless independent newspaper in the city of New York:

FOR PARCEL POST.

Washington dispatches agree that the parcel post is now in good shape to be pushed. At the moment nothing better than the so-called experimental delivery on rural routes is expected at this session. There is no reason, however, why a great deal more should not be obtained. A definite proposal for a general distribution of packages is before the House. It is being seriously considered. The Postal Progress League and other influential bodies indorse it. It is necessary only that public opinion shall express itself in terms which the lawmakers will understand, as demanding that the interests of the people are superior to those of private concerns.

Early in the session the Post Office Committee suggested a two years' trial in the outlying districts. This was intended as a sop that would keep "excessive demands" in order and leave the express companies undisturbed. But the parcel-post men were not appeased. Refusing to accept what they regard as not even an experimental parcel post, they insisted on the real article or nothing. Mr. SULZER responded with a resolution, amending the committee's measure, which meets this requirement. It provides for the delivery of packages of as much as 11 pounds weight instead of only 4, at a postage of 8 cents a pound instead of 16. This is little better than a return to the conditions which the express companies induced Congress to change more than 30 years ago. But it is a very great advance. It would put us abreast of most other progressive countries in this important matter and, if Mr. SULZER'S estimates are correct, without cost to the country. He thinks, indeed, that such a service would show a handsome profit, and there is no reason to doubt the soundness of his prediction.

Naturally the express companies object. They have long enjoyed the advantages of a system their own servants among our lawmakers put upon the country. The profits they have got out of it have made them rich enough to be enormously powerful. They will spare no effort to preserve as long as possible a condition that suits them so well. Other selfish interests are with them in the fight to prevent the people from getting what they are entitled to.

All this opposition, however, can be overcome by a determined effort. No reasonable argument has to be met. No vested interest needs to be protected against unfair treatment. The shoe is on the other foot. Vested interests have had their way long enough. It is time the people had theirs. And they can have it if they will speak out. Usually it is difficult to get out a proposal that gives full effect to a popular desire. The Sulzer resolution is not ideal by any means, but it goes a long way in the right direction. With such a bill enacted the country would be committed to the principle and practice of a real parcel post.

Mr. SULZER. Mr. Speaker, the editorial just read is a corroboration of all I have said in Congress on the subject of a general parcel post.

I now read a letter from the Farmers' National Congress:

[President: George M. Whitaker, 1404 Harvard Street NW., Washington, D. C. First vice president: C. F. Sanford, London, Ohio. Second vice president: R. H. Kirby, Dallas City, Ill. Treasurer: W. L. Ames, Oregon, Wis. Legislative agent: John M. Stahl, 6063 Jefferson Avenue, Chicago, Ill. Secretary: John H. Kimble, Port Deposit, Md. Assistant secretaries: O. D. Hill, Kendalia, W. Va.; Strod Hays, Newcastle, Ind.; J. H. Patten, Belton, S. C. Executive committee: Levi Morrison, Greenville, Pa.; A. C. Fuller, Dows, Iowa; L. C. Lawson, Clarks, Nebr. President, secretary, and treasurer, ex officio.]

FARMERS' NATIONAL CONGRESS, U. S. A.,
OFFICE OF THE PRESIDENT, 453 NEWTON STREET NW.,
Washington, D. C., April 29, 1912.

DEAR SIR: The representatives of the Farmers' National Congress have studied carefully the riders on the postal appropriation bill purporting to be a step in the further extension of the parcel-post business. But we are almost forced to believe that these provisions, if they become a law, may actually obstruct a reasonable development of the parcel-post system, and this may furnish an argument later on against a further extension of these facilities. Certain facts and speeches almost lead to the conclusion that some who favored these provisions did so with the purpose of defeating rather than promoting any increase of existing parcel-post facilities. We therefore believe that all real friends of enlarging the parcel-post system should vigorously oppose these riders and advocate something more extensive and something that will count for real parcel-post development.

Respectfully,
J. M. STAHL, *Legislative Agent.*
J. H. KIMBLE, *Secretary.*

Approved.
GEO. M. WHITAKER,
President Farmers' National Congress.

Mr. SULZER. Mr. Speaker, that is all I want to say now on this subject, save to make this prediction. that in less than two years from to-day the people of this country will have a general parcel post, the express companies to the contrary notwithstanding. The struggle for this beneficial postal legislation is not ended. The fight has just begun and the people will win.

The SPEAKER. The Clerk will report the Mann Sunday closing amendment.

The Clerk read as follows:

Amend, page 11, lines 24 and 25; in lieu of the amendment agreed to insert the following:

"In all, $37,878,000: *Provided*, That hereafter post offices of the first and second classes shall not be open on Sundays for the purpose of delivering mail to the general public; but this provision shall not prevent the prompt delivery of special-delivery mail."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MADDEN. Mr. Speaker, I offer the following motion to recommit, and on that motion I demand the previous question.

Mr. MANN. But I submit the gentleman can not move the previous question yet. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Am I not entitled to recognition for the purpose of offering a motion to recommit, representing the minority?

The SPEAKER. The Chair has pursued this course about that ever since he has been Speaker. If any gentleman on the committee which has charge of a bill desires to offer a motion to recommit, the Chair has generally recognized him, and the Chair thinks that that course ought to be pursued. On tariff bills the Chair has always recognized the gentleman from New York [Mr. PAYNE], except at one time when he requested that the Chair recognize the gentleman from Pennsylvania [Mr. DALZELL], which the Chair did.

Mr. MANN. Mr. Speaker, will the gentleman state whether he is opposed to the bill?

Mr. MADDEN. Mr. Speaker, I am opposed to the bill.

The SPEAKER. The Clerk will report the motion of the gentleman from Illinois [Mr. MADDEN].

The Clerk read as follows:

By Mr. MADDEN. I move that the Post Office appropriation bill, No. 21279, now pending, be recommitted to the Committee on the Post Office and Post Roads, with instructions to strike out, on page 27, of the engrossed bill, line 15, and all following lines to and including line 26; and all of page 28; and all of page 29 down to line 24 on said page; and all of line 13 down to and including line 24 on page 33; and all of page 34 down to line 21; and to report the bill forthwith to the House so amended.

Mr. MADDEN. Mr. Speaker, on that I demand the previous question.

Mr. MOON of Tennessee. Mr. Speaker, I demand the previous question.

Mr. MANN. Mr. Speaker, and upon the previous question I demand the yeas and nays.

The SPEAKER. The gentleman from Tennessee demands the previous question, and the gentleman from Illinois [Mr. MANN], on that motion, demands the yeas and nays. All in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Fifty-four gentlemen have risen; not a sufficient number.

Mr. MANN. I submit, Mr. Speaker, that is more than one-fifth of a quorum.

The SPEAKER. That is true; but it requires one-fifth of those present to order the yeas and nays.

Mr. MANN. But I submit the Chair does not know how many are present without counting.

The SPEAKER. If any gentleman demands the other side the Chair will order it.

Mr. MADDEN. Mr. Speaker, I demand the other side.

Mr. MANN. Mr. Speaker, I make the point of order that without ordering the other side one-fifth of a quorum is sufficient to order the yeas and nays.

The SPEAKER. The invariable practice is to take the last vote as an indication of those present, and, counting the last vote, it would take 64 members to order the yeas and nays.

Mr. MANN. Mr. Speaker, I demand the other side.

The SPEAKER. The gentleman from Illinois demands the other side. All opposed to ordering the yeas and nays will rise and stand until counted. [After counting.] One hundred and eighty-nine gentlemen have risen. On this vote the ayes are 54 and the noes are 189. One fifth having risen, the yeas and nays are ordered.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the previous question shall not prevail, would it then be in order to offer to amend the instructions by an amendment providing for parcel post?

The SPEAKER. If the previous question is voted down, then any germane amendment to this motion of the gentleman from Illinois [Mr. MADDEN] is in order.

Mr. LENROOT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LENROOT. Would an amendment providing for a parcel post be germane?

The SPEAKER. The Chair is not called upon to pass upon the germaneness of any amendment until it is offered. The Clerk will call the roll.

The question was taken; and there were—yeas 177, nays 145, answered "present" 4, not voting 65, as follows:

YEAS—177.

Adair	Driscoll, D. A.	Kendall	Ransdell, La.
Adamson	Dupré	Kennedy	Rauch
Aiken, S. C.	Dyer	Kinkead, N. J.	Richardson
Alexander	Edwards	Konig	Rodenberg
Allen	Ellerbe	Korbly	Rothermel
Ashbrook	Estopinal	Lamb	Rouse
Austin	Evans	Langley	Rubey
Barchfeld	Faison	Lee, Ga.	Rucker, Colo.
Barnhart	Fergusson	Lee, Pa.	Rucker, Mo.
Bartlett	Ferris	Legare	Sabath
Beall, Tex.	Finley	Lever	Saunders
Bell, Ga.	Fitzgerald	Lewis	Scully
Blackmon	Flood, Va.	Linthicum	Shackleford
Boehne	Foster	Lloyd	Sharp
Booher	Fowler	Lobeck	Sherley
Borland	Gallagher	McCoy	Sherwood
Brantley	Garner	McDermott	Slayden
Broussard	Garrett	McGillicuddy	Slemp
Brown	George	McKellar	Small
Buchanan	Glass	Macon	Smith, N. Y.
Bulkley	Godwin, N. C.	Madden	Smith, Tex.
Burke, Wis.	Goeke	Maguire, Nebr.	Stedman
Burnett	Goldfogle	Maher	Stephens, Nebr.
Byrnes, S. C.	Gould	Martin, Colo.	Sterling
Byrns, Tenn.	Graham	Moon, Tenn.	Stone
Cantrill	Gray	Moore, Pa.	Taggart
Carlin	Green, Iowa	Moore, Tex.	Talbott, Md.
Carter	Gregg, Tex.	Morrison	Taylor, Ala.
Catlin	Gudger	Murray	Taylor, Colo.
Clayton	Hamill	Neeley	Thomas
Cline	Hamilton, W. Va.	O'Shaunessy	Towner
Collier	Hamlin	Padgett	Townsend
Conry	Hardy	Page	Turnbull
Covington	Haugen	Palmer	Tuttle
Callop	Hay	Patten, N. Y.	Watkins
Curley	Heflin	Payne	Webb
Daugherty	Helgesen	Pepper	Whitacre
Davenport	Helm	Peters	Wickliffe
Davis, W. Va.	Henry, Tex.	Pickett	Wilson, N. Y.
Dent	Holland	Post	Wilson, Pa.
Denver	Hughes, Ga.	Pou	Witherspoon
Dies	Hull	Powers	Young, Tex.
Difenderfer	Humphreys, Miss.	Prouty	
Dixon, Ind.	Johnson, S. C.	Rainey	
Doughton	Jones	Raker	

NAYS—145.

Ainey	Floyd, Ark.	Lawrence	Sells
Akin, N. Y.	Fordney	Lenroot	Simmons
Anderson, Minn.	Foss	Levy	Sims
Anderson, Ohio	French	Lindbergh	Sisson
Ansberry	Fuller	Longworth	Sloan
Ayres	Gardner, N. J.	Loud	Smith, J. M. C.
Bartholdt	Gillett	McGuire, Okla.	Smith, Saml. W.
Bathrick	Good	McKenzie	Speer
Berger	Goodwin, Ark.	McKinley	Steenerson
Bowman	Griest	McKinney	Stephens, Cal.
Browning	Guernsey	McLaughlin	Stephens, Miss.
Burke, S. Dak.	Hamilton, Mich.	Malby	Stephens, Tex.
Butler	Hammond	Mann	Stevens, Minn.
Calder	Harrison, Miss.	Martin, S. Dak.	Sulloway
Candler	Hartman	Miller	Sulzer
Cannon	Hawley	Mondell	Sweet
Cary	Hayden	Morgan	Talcott, N. Y.
Claypool	Hayes	Morse, Wis.	Taylor, Ohio
Cooper	Heald	Moss, Ind.	Thayer
Copley	Henry, Conn.	Mott	Tilson
Cox, Ohio	Higgins	Murdock	Tribble
Crago	Hill	Needham	Underhill
Currier	Howard	Nelson	Utter
Curry	Howell	Norris	Volstead
Dalzell	Howland	Nye	Vreeland
Danforth	Hubbard	Oldfield	Warburton
Davis, Minn.	Humphrey, Wash.	Parran	Wedemeyer
De Forest	Jacoway	Patton, Pa.	White
Dickinson	Jackson	Plumley	Wilder
Dodds	Kent	Porter	Willis
Donohoe	Kinkaid, Nebr.	Pray	Wilson, Ill.
Doremus	Knowland	Prince	Wood, N. J.
Draper	Kopp	Rees	Young, Kans.
Driscoll, M. E.	Lafean	Roberts, Nev.	Young, Mich.
Dwight	Lafferty	Robinson	
Esch	La Follette	Roddenbery	
Farr	Langham	Russell	

ANSWERED "PRESENT"—4.

Campbell	Hughes, N. J.	McCall	Riordan

NOT VOTING—65.

Ames	Bates	Burke, Pa.	Clark, Fla.
Andrus	Bradley	Burleson	Connell
Anthony	Burgess	Callaway	Cox, Ind.
Cravens	Harris	Littlepage	Roberts, Mass.
Crumpacker	Harrison, N. Y.	Littleton	Sheppard
Davidson	Hensley	McCreary	Smith, Cal.
Dickson, Miss	Hinds	McHenry	Sparkman
Fairchild	Hobson	McMorran	Stack
Fields	Houston	Matthews	Stanley
Focht	Hughes, W. Va.	Mays	Switzer
Fornes	James	Moon, Pa.	Thistlewood
Francis	Johnson, Ky.	Olmsted	Underwood
Gardner, Mass.	Kahn	Pujo	Weeks
Greene, Mass.	Kindred	Randell, Tex.	Woods, Iowa
Gregg, Pa.	Kitchin	Redfield	
Hanna	Konop	Reilly	
Hardwick	Lindsay	Reyburn	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DICKSON of Mississippi with Mr. MATTHEWS.

Mr. KINDRED with Mr. HUGHES of West Virginia.

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

The result of the vote was announced as above recorded. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. MADDEN] to recommit with instructions.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 7, noes 206.

So the motion to recommit was rejected.

The SPEAKER. The question is, Shall the amended bill pass?

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 227, noes 5.

So the bill as amended was passed.

On motion of Mr. MOON of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4476. An act to provide for purchase of site, construction of wharf and buildings, and the necessary equipment for a depot for the sixth lighthouse district; and

S. 1337. An act authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4476. An act to provide for purchase of site, construction of wharf and buildings, and the necessary equipment for a depot for the sixth lighthouse district; to the Committee on Interstate and Foreign Commerce.

S. 1337. An act authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act; to the Committee on Military Affairs.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. LLOYD, Mr. ADAMSON, and Mr. JOHNSON of South Carolina rose.

The SPEAKER. The Chair recognizes the gentleman from South Carolina [Mr. JOHNSON].

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24023.

The question is on the motion of the gentleman from South Carolina.

The question was taken.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia [Mr. ADAMSON] rise?

Mr. ADAMSON. Mr. Speaker, I rise to ask unanimous consent to make some remarks concerning this proposition.

The SPEAKER. The vote has not been announced.

Mr. ADAMSON. My understanding was that I was to be recognized, and I want to have a little conversation with the Speaker and the House about it.

Mr. FITZGERALD. Regular order, Mr. Speaker.

The SPEAKER. The Chair will state what the parliamentary situation was. By consent the House put the Panama Canal bill in the same status as an appropriation bill, with an agreement that general debate should run two days, and one day under the five-minute rule.

Mr. MANN. There was no agreement.

The SPEAKER. The Chair will withdraw that remark. The Speaker was not in the chair when the matter came up. So the motion of the gentleman from South Carolina [Mr. JOHNSON] is a privileged motion, and that would have made the motion of the gentleman from Georgia [Mr. ADAMSON] also a privileged *motion.*

Now, if the gentleman from Georgia [Mr. ADAMSON] wants to make a remark, the Chair will entertain it.

Mr. MANN. I think we had better have the regular order. I demand the regular order.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to address the House for one minute.

Mr. MANN. I demand the regular order.

The SPEAKER. The regular order is on the motion of the gentleman from South Carolina [Mr. JOHNSON].

Mr. ADAMSON. I suppose that is not debatable.

The SPEAKER. It is not debatable.

Mr. ADAMSON. All I want to say is——

Mr. FITZGERALD. Mr. Speaker, I object to any statement.

The SPEAKER. The Chair will make this statement on his own motion: That after this legislative bill is disposed of he will recognize the gentleman from Georgia [Mr. ADAMSON] to make his motion in preference to any other appropriation bills.

Mr. ADAMSON. If I could be permitted——

Mr. MANN. We have the regular order. We have rules to go by, and I would like to have them observed. It is not debatable.

Mr. JOHNSON of South Carolina. Pending the announcement of the result of the vote I would like to see if we can come to some agreement as to general debate.

The SPEAKER. Has the gentleman from South Carolina any proposition to make?

Mr. JOHNSON of South Carolina. I ask unanimous consent that when the committee rises this afternoon general debate be closed——

Mr. ADAMSON. Reserving the right to object——

Mr. JOHNSON of South Carolina (continuing). And that the time be divided equally between the two sides.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent——

Mr. MANN. I demanded the regular order, which is equivalent to an objection.

The SPEAKER. That is equivalent to an objection.

Mr. ADAMSON. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois has already objected, and that settles it.

The ayes have it, and the House resolves itself into the Committee of the Whole House on the state of the Union to consider the legislative, executive, and judicial appropriation bill, with the gentleman from Alabama [Mr. UNDERWOOD] in the chair.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. I want to know if the statement of the Speaker——

Mr. MANN. Mr. Speaker, I demand the regular order. Has not the House resolved itself into the Committee of the Whole House on the state of the Union?

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry before the House goes into the Committee of the Whole House on the state of the Union.

The SPEAKER. The House has already resolved itself into the Committee of the Whole House on the state of the Union, and the point of order made by the gentleman from Illinois [Mr. MANN] is sustained. The gentleman from Alabama [Mr. UNDERWOOD] will take the chair.

Mr. UNDERWOOD took the chair amid general applause.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24023—the legislative, executive, and judicial appropriation bill—which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The gentleman from South Carolina [Mr. JOHNSON] is recognized.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield 30 minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. RUCKER of Missouri rose.

Mr. JOHNSON of South Carolina. I yield half a minute to the gentleman from Missouri [Mr. RUCKER].

Mr. BARTLETT. Not to be taken out of my time, however.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] is recognized for half a minute.

Mr. RUCKER of Missouri. Mr. Chairman, I had announced to several Members of the House that at this time I would ask for the consideration of the conference report on House joint resolution 39, providing for the election of Senators by direct vote of the people. I have just received a telegram from Mr. OLMSTED, one of the conferees, in which he says he can not be here to-day. Therefore I want to announce now that I shall not call up the matter until Saturday, but shall do it on Saturday immediately after the reading of the Journal.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] is recognized for 30 minutes.

Mr. BARTLETT. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. YOUNG].

The CHAIRMAN. The gentleman from Texas [Mr. YOUNG] is recognized for 30 minutes.

Mr. YOUNG of Texas. Mr. Chairman, among the great questions that confront this Congress for solution in their capacity as representatives of a great people there is none, in my estimation, that should give us greater concern and that calls for wiser counsel than the immigration problem.

At this time I purpose for a few minutes to discuss in a limited way some phases of the question. What I shall say will be remarks addressed in advocacy of the bill on this subject recently reported to this House by the Committee on Immigration and Naturalization, the gentleman from Alabama [Mr. BURNETT] being the chairman.

That the House may have before it the feature of the bill that I deem of prime importance I shall read so much of same as is necessary to have a fair understanding of the questions involved. The bill reads as follows:

That after four months from the approval of this act in addition to the aliens who are by law now excluded from admission into the United States the following persons shall also be excluded from admission thereto, to wit: All aliens over 16 years of age, physically capable of reading, who can not read the English language, or the language or dialect of some other country, including Hebrew or Yiddish: *Provided*, That any admissible alien or any alien heretofore or hereafter legally admitted or any citizen of the United States may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relatives shall be permitted to land.

SEC. 2. That for the purpose of ascertaining whether aliens can read or not the immigrant inspectors shall be furnished with copies of uniform slips, prepared under the direction of the Secretary of Commerce and Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plain type in the various languages and dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip.

SEC. 3. That the following classes of persons shall be exempt from the operation of this act, to wit: (a) All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; (b) all aliens in transit through the United States; (c) all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

Mr. Chairman, it might be interesting to note the history of legislation on this subject.

From the year 1819 to 1882 immigration was practically unfiltered and there were very few, if any, restrictive laws against it.

There was good reason for this. The class of immigrants coming to us as late as 1880 came in the main from England, Scotland, Ireland, Germany, Norway, Sweden, and Denmark.

These people represented the strongest types of citizenship. They have proven themselves to be honest, conscientious, and industrious.

The illiteracy among them was of a far less percentage than among the immigrant class coming to-day, as I shall show by tables later on.

It is my pleasure to have in my district quite a number of German, Irish, Norwegian, and other such types of the earlier immigration period.

They abandoned the places of their nativity to cast their lot in a country of greater opportunities.

They have become naturalized citizens. They have purchased homes and are leading citizens in their respective communities.

The sturdy Irish, the industrious German and Norwegian and other like races are among our best farmers. Their farms are models, their homes attractive, and their lively interest in the welfare of their respective communities is not excelled by those of native birth.

We show our faith in them by honoring them with official positions, and they do not betray the trust.

They are our leading merchants and bankers and among our most honored and respected citizens.

They take a pride in our schools and willingly support and maintain them.

They are seldom hauled before our courts for infraction of the criminal law.

To this class of people, Mr. Chairman, we should always extend our open-hearted welcome. They are easily assimilable.

As late as 1880, 64.5 per cent of the immigrants to this country came of such stock.

I take it, Mr. Chairman, that this, being the type of immigrants settling among us, is why we find very little restrictive legislation on the subject until comparatively recent date.

In the main, then, our earlier immigration came from northern and western Europe.

Their Governments, as a rule, were of monarchical form. They loved law and order. They easily adjusted themselves to our system of government and had the intelligence to understand our institutions.

Our customs soon became theirs. Their children entered our schools and our language became their source of communication.

When taking the oath of allegiance to our Government, they once and for all abandoned allegiance to the countries of their birth.

In other words, they have willingly become Americanized.

Mr. Chairman, in recent years the conditions have changed, and a new state of affairs now confronts us.

The class of immigrants now coming to our shores is entirely different from that of the earlier period.

During the last 25 or 30 years the source of our immigration has largely shifted to southern and eastern Europe.

I can not do better, Mr. Chairman, to get a clear understanding of this feature of the subject that I am now discussing, than to read a brief statement from the report of the Immigration Commission.

The part I desire to read is as follows:

The old immigration movement was essentially one of permanent settlers. The new immigration is very largely one of individuals, a considerable proportion of whom apparently have no intention of permanently changing their residence, their only purpose in coming to America being to temporarily take advantage of the greater wages paid for industrial labor in this country. This, of course, is not true of all the new immigrants, but the practice is sufficiently common to warrant referring to it as a characteristic of them as a class. From all data that are available it appears that at least 40 per cent of the new immigration movement returns to Europe and at least 39 per cent remains there. This percentage does not mean that 30 per cent of the immigrants have acquired a competence and returned to live on it. Among the immigrants who return permanently are those who have failed, as well as those who have succeeded. Thousands of those returning have, under unusual conditions of climate, work, and food, contracted tuberculosis and other diseases; others are injured in our industries; still others are the widows and children of aliens dying here. These, with the aged and temperamentally unfit, make up a large part of the aliens who return to their former homes to remain.

The old immigration came to the United States during a period of general development and was an important factor in that development, while the new immigration has come during a period of great industrial expansion and has furnished a practically unlimited supply of labor to that expansion.

As a class the new immigrants are largely unskilled laborers coming from countries where their highest wage is small compared with the lowest wage in the United States. Nearly 75 per cent of them are males. About 83 per cent are between the ages of 14 and 45 years, and consequently are producers rather than dependents. They bring little money into the country and send or take a considerable part of their earnings out. More than 35 per cent are illiterate, as compared with less than 3 per cent of the old immigrant class.

Mr. Chairman, looking a little deeper into the change of source of immigration and investigating the class that is coming, we find an alarming state of affairs.

From a speech recently delivered in the other end of the Capitol by one of the Senators from North Carolina [Mr. SIMMONS], I find this statement:

The percentage of illiteracy among the old immigrants—that is, those who antedated 1883—was only 2.7 per cent, far below that of our native population. The rate of illiteracy among the new immigrants, that which has been coming here since 1883, is on an average about 36 per cent, and the bulk of this immigration, the most undesirable portion of it, is of a much higher degree of illiteracy than the general average. Of the 1,500,000 south Italians that came to America from 1899 to 1909, over 800,000, or 54 per cent, could neither read nor write; 54 per cent of the Syrians who came during that period could neither read nor write; 35 per cent of the Poles who came during that period could neither read nor write; 68 per cent of the Portuguese, 38 per cent of the Ruthenians, 51 per cent of the Russians, 58 per cent of the Turks, 27 per cent of the Greeks, and 41 per cent of the Bulgarians and Servians and Montenegrins could neither read nor write.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. I dislike not to yield, but I have but a limited time in which to make my remarks. After I have finished I will be glad to yield to the gentleman.

This statement of the situation is indeed astounding. These people have no knowledge of our Government and but little, if any, understanding of that from which they came.

They do not know what responsibility should attach to citizenship. Our civilization is not theirs. From the very nature of their environments and the civilization from which they come they are unfitted to ever have cast upon them the responsibilities that go with a free and representative form of government. In fact, they do not come to us having any benign purpose of entering into the spirit of government and helping to bear her burdens.

The old immigrant came to become a part and parcel of our fabric. The new immigration come to gather together such a part of our American dollars as they may for the purpose of carrying it with them on their return or to send it back while yet they remain to gather more.

They are sending and taking two hundred and fifty to three hundred millions of dollars out of our country each year, to be planted in lands foreign to ours, and thus they are depleting our financial resources and taking from the real American laborer that which is his.

This is not all, Mr. Chairman. The facts are, with this unlimited horde coming to our shores from year to year and increasing in numbers with alarming rapidity, the future of the real American laborer is problematical indeed.

I have here a table showing the occupations of immigrants coming to this country during 1911. That year 1,030,300 aliens entered, and of that enormous number only 13,496 were farmers; 160,000 were farm laborers in their own country, but they did not seek farm employment here; 175,000 were common laborers; 122,000 were servants; 246,000 had no occupation at all, making in that year 735,000, or three-fourths of the entire immigration, who found their homes either in the slums of the great cities or were employed not upon the farms but in the industries of the country in congested centers.

In this connection I desire to read a page from Dr. Jenks's book with reference to the effect of this kind of competition upon the sanitary and safe conditions of the places where the employees of this country are employed:

Relative to the effect of recent immigration upon native American and older immigrant wage earners in the United States, it may be stated, in the first place, that the lack of industrial training and experience of the recent immigrant before coming to the United States, together with his illiteracy and inability to speak English, has had the effect of exposing the original employees to unsafe and insanitary working conditions, or has led to the imposition of conditions of employment which the native American or older immigrant employees have considered unsatisfactory and in some cases unbearable. When the older employees have found dangerous and unhealthy conditions prevailing in the mines and manufacturing establishments and have protested, the recent immigrant employees, usually through ignorance of mining or other working methods, have manifested a willingness to accept the alleged unsatisfactory conditions. In a large number of cases the lack of training and experience of the southern and eastern European affects only his own safety. On the other hand, his ignorant acquiescence in dangerous and insanitary working conditions may make the continuance of such conditions possible and become a menace to a part or to the whole of an operating force of an industrial establishment. In mining, the presence of an untrained employee may constitute an element of danger to the entire body of workmen. There seems to be a direct casual relation between the extensive employment of recent immigrants in American mines and the extraordinary increase within recent years in the number of mining accidents. It is an undisputed fact that the greatest number of accidents in bituminous coal mines arise from two causes: (1) The recklessness and (2) the ignorance and inexperience of employees. When the lack of training of the recent immigrant abroad is considered in connection with the fact that he becomes a workman in the mines immediately upon his arrival in this country and when it is recalled that a large proportion of the new arrivals are not only illiterate and unable to read any precautionary notices posted in the mines, but also unable to speak English,

and consequently without ability to comprehend instructions intelligently, the inference is plain that the employment of recent immigrants has caused a deterioration in working conditions.

Those people are used to a lower standard of living to that enjoyed by the American laborer. Their highest wage scale in the countries from which they came does not equal our lowest wage scale.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Not just at this time. If I have time before my time is up, I will yield to the gentleman with great pleasure.

The result is these people band themselves together and live in cheap quarters in our great cities and congested centers, and go into the factories and the mines at a low wage scale that would not support an average American workman living according to American customs and surrounded by American conveniences.

This on-coming horde has driven the old immigrant from the factories and the mines to mines in the Central Western States or in altogether different line of work.

On the Republican side of the Chamber, in recent tariff discussions, we heard much of the dire distress that would befall the American laborer if the Democratic idea of tariff for revenue only was enacted into law. Yet, Mr. Chairman, an investigation of the immigration question shows that it is not tariff reduction that should and is alarming the American wage earner, but it is the unjust competition of the class of immigrants who are now displacing him in factory and in mine. [Applause.]

At this point I want to read, as bearing on this question, the following article from the North American. The author says:

Under the plea that the standard of living in the United States is higher than in any other country in the world, that the class of labor itself is better and that therefore greater wages must be paid, the manufacturers of textile products have succeeded for many years in buttressing themselves about with a tariff that is not only protective but exorbitant.

They have held the threat over the country that should the tariff be made lower the present high standard of living made possible by the lucrative wages now being paid must be lowered also. Quite a reverse picture is revealed by the situation at Lawrence.

We find upon investigation that the textile manufacturers have at these mills as squalid labor as can be found in the four corners of the earth. They pared down the wages of these people, not to meet the standard of living in the United States, but to the barest possible margin of existence.

In one miserable tenement building I found 54 persons living. Twenty-two of them worked in the mills at an average pay of $6.67 per week. This is $2.75 per week with which to buy food, clothes, light, and fuel, and pay rent for each one of the 54. These are luxuries which the mill laborers enjoy under the rich picking of a high protective tariff.

This is the condition of affairs our American laborer is up against, and from his real American soul comes the plaintive cry to protect him, his wife, and children from this immigrant horde.

There are thousands of evil consequences permeating every nook and corner of our country incident to these undesirables amongst us.

A look into the great hospitals and insane asylums of New York and other congested centers presents a picture of disease and insanity that is astounding.

That great city, the very gateway through which these people pass, is groaning under the great financial burdens incident to the proper upkeep of these institutions, filled to overflowing with the foreign element who ought to be wards of their native lands.

And yet, Mr. Chairman, there is neither let nor hindrance to stop the ever-increasing tide.

For the year 1910 the immigration was 1,041,570, of whom 223,453 were from Italy alone.

Most of these new immigrants come through Ellis Island, N. Y. Commissioner Williams, of Ellis Island, in an interview in the New York Herald of April 13, said:

The immigration this month has passed the high-water mark. In April last year, which was a big month and taxed the capacity of the department, 85,575 immigrants arrived at Ellis Island. In April of this year the total is expected to be more than 100,000 immigrants, which will be the record for the department.

* * * * * * * *

In March of this year 83,654 immigrants arrived, as against 75,306 of last year.

With the inadequate facilities for examination of these vast numbers, who come in during the spring months especially, thousands of diseased, feeble-minded, and otherwise undesirable immigrants are coming in every year. Commenting on the conditions referred to, the Herald in the same article says:

Recently the Herald published statistics showing that more than 60 per cent of the occupants of charitable institutions and insane asylums in New York were foreign born. * * * From the plague-ridden districts of eastern and southern Europe thousands of immigrants are coming here every week. There is no question that many of them are suffering with diseases characteristic of their country, and not a few are in the early stages of consumption.

The New York Times of March 28, 1912, says:

INSANE ALIENS.

The Times is informed by Secretary McGarr, of the State Commission in Lunacy, that, of the 31,432 insane patients under treatment in the 14 State hospitals on February 10 last, 13,163, or 41.9 per cent, were aliens. Foreign-born patients have increased since the Federal census of December 31, 1903, by 1,552, or 13.4 per cent. In the two State hospitals for the criminal insane there were 1,230 patients on February 10, of whom nearly 44.4 per cent were of alien birth; the Federal census of 1910 showed a percentage of aliens to total population in this State of 29.9 per cent.

The prevalence of insanity among immigrants is evidently much greater than among the native born. Of the 5,700 patients admitted to the civil hospitals for the year ending September 30, 1911, 2,737, or 48 per cent, were aliens, and 1,481, or 26 per cent, were of alien parentage, while only 1,224, less than 26 per cent, were of native stock. Of the whole number, the nativity of but 218, which is 3.8 per cent, was not ascertainable. Insanity among the foreign peoples of this city occurs in a still larger percentage of cases. Of the first admissions to the hospitals 2,006 out of 3,221 residents of the city were of foreign birth; that is, 64.1 per cent, although the foreign-born population is but 40.4 per cent of the whole.

Mr. SABATH. Will the gentleman yield now?

Mr. YOUNG of Texas. I regret I can not. I had only 30 minutes allowed me. If I have time when I have finished I will yield to the gentleman.

From the record, as best I can judge it, Mr. Chairman, the great steamship and transportation companies, and it is believed great factory and mining interests, all bent on personal gain, are united in one great effort to induce these undesirables to flock to our shores.

Agents of these steamship companies, with much attractive advertisement, are industriously circulating through the countries of southern and eastern Europe and gathering together this ignorant horde, like the ranchman of our Texas prairies gathers his herd in the season of spring.

Their motive, financial gain.

Commission to agents, large transportation charges to the steamship lines, and cheap labor to the factory and the mine. [Applause.]

Mr. Chairman, this course of conduct is an unpardonable sin against American traditions and the American people.

Already the congested centers are feeling the heavy burdens incident to the present system, and are beginning to cast about for a plan to distribute the ever-increasing population throughout other sections of the country.

I speak for my people in the great fruit and agricultural belt of Texas. We do not want this ignorant class of citizenship to mar and contaminate our present happy conditions.

Some one has well said that probably the most potential force is represented by agriculture. Yet on this question all the farmers' organizations, the Grange, the Farmers' Educational and Cooperative Union, having over 3,000,000 members, and the various labor organizations all over this country are passing resolutions unqualifiedly indorsing this bill, and demanding of Congress that this country of ours be no longer the dumping ground for the illiterate and criminal element that has, through the past 25 years, had such freedom of access to our shores.

The Immigration Commissioners, appointed in pursuance to act of Congress in 1907, have given most comprehensive consideration to all phases of this question.

Experts have gone into every detail of the problem. One million dollars has been spent by this commission in this detailed investigation, and 42 volumes of information have been gathered together covering the various questions involved. This commission with practical unanimity recommends the enactment of the literacy test found in this bill.

I have discussed the measure largely from an economic standpoint. But a more important phase presents itself—the perpetuity of our free institutions is involved.

Mr. Chairman, it has been said by some writer on political economy that an ignorant voter, with a ballot in his hand, is a greater menace to our Government than a mercenary legislator.

In a large measure this is true, for it is to the superstition, prejudice, and ignorance of such voters that a corrupt legislator must appeal with any hope of success, and it is by the use of such ballots in the main that demagogues are too often given responsible official positions. Our greatest safeguards for the perpetuity of our representative system of government is an educated and enlightened citizenship.

This is recognized as an axiomatic truth, and is firmly attested by the great interest our people are taking in every section of our beloved country in advancing our public and private school systems in every community in the land.

Where is there a State in this Union that has not a public-school system supported by taxes voluntarily levied and willingly paid by the suffragens themselves? What State of this Union is without a great university as a capstone to its educa-

tional system? Then, too, your normal colleges and schools for technical training too numerous to mention.

All these, Mr. Chairman, supported by tribute from the people, that our boys may become educated suffragens and our girls, by proper training of mind and heart, may demonstrate the truth of the old adage, "The hand that rocks the cradle rules the world."

I might remark in passing that motherhood's duty is well done when she trains in the home her sons and her daughters for the duties of the hour, and she is the uncrowned queen to whom I bow in reverence, and the personal exercise of the ballot by her can add nothing to her glory in my estimation. [Applause.]

Hundreds of millions of dollars are spent annually for the support and maintenance of this great school system. We love our children and count not the cost. We reverence our Government and want it to live. We prepare our own flesh and blood to intelligently guide the old ship of state, and to them we shall transmit this Republic that has been successfully launched and inherited from our fathers. [Applause.]

That it may survive, an intelligent and educated citizenship must be the custodian of its affairs.

I am American through and through. I honor the traditions and history of our country. I believe in her institutions. For her future I have the most sanguine hopes, notwithstanding the socialistic cry and the constant pratings of the self-righteous demagogues. Ours is the duty of the hour. Let foreigners who desire better conditions, who are tired of their systems of government, and who are real men desiring to become a part of the warp and woof of our structure, have such enlightenment as to become real responsible citizens and let this illiteracy test be enacted into law for our protection. [Applause.]

In conclusion, Mr. Chairman, aliens who have proper motives and desiring citizenship among us should yield unreservedly in mind and heart to our theories of government. It has been established by the blood of our fathers and safeguarded through the years by the wisdom of our statesmen and supported by the honest yeomanry of our country. [Applause.]

She stands to-day a giant among the nations of earth—guaranteeing liberty of speech, thought, and action, and when her blessings are sought by those of alien birth they should yield to her requirements, obey her laws. They must be Americanized or else we shall become foreignized. [Applause.]

I yield back the remainder of my time, Mr. Chairman, to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, how much time has the gentleman used?

The CHAIRMAN. Twenty-five minutes. There are five minutes yet remaining.

Mr. BARTLETT. I reserve that, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I believe I have 20 minutes?

The CHAIRMAN. The gentleman has 30 minutes.

Mr. SISSON. I yield so much of the 30 minutes as he may desire to my colleague from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Chairman, a few days ago I received a petition, with resolutions in it, that were adopted by the State Prohibition Convention in the State of Mississippi, with the request that I present them to this House. In those resolutions, after several recitations, I notice this language:

> The issuance of Federal revenue licenses, although a revenue measure, can not be viewed otherwise than as bringing our Government into partnership and complicity with the traffic. What the Government would lose in revenue would, as the Supreme Court of the United States has said, be compensated for a thousandfold in the peace, prosperity, and happiness of our people. However, if licenses are to be issued, the Federal statutes should be so amended as to give them no validity, and make them no protection when business thereunder is carried on in dry territory.

Mr. Chairman, the Prohibition State convention in Mississippi was evidently laboring under the erroneous impression, which is very popular in this country, that the Federal Government issues licenses to retail liquor dealers. That is not true. The Federal Government has not issued licenses to retail liquor dealers for nearly 50 years; and under the old law, when licenses were issued, there was always a provision in the law which met exactly the contention of the Prohibition convention, that those licenses should have no validity and give no protection when business thereunder was carried on in dry territory.

The act of 1794 was the very first excise act that carried a tax on retail liquor dealers and provided for licenses, but in that law there was this proviso:

> *Provided always*, That no license shall be granted to any person to sell wines or foreign distilled spirituous liquors who is prohibited to sell the same by the laws of any State.

That act was repealed in 1802, but during the War of 1812 a similar act was passed, which also required a license, that contained this proviso:

> *Provided always*, That no license shall be granted to any person to sell wine, distilled spirituous liquors, or merchandise, as aforesaid, who is prohibited to sell the same by any State.

That act was repealed in 1817.

In 1862, in the course of the Civil War, Congress again passed a similar excise law, this, too, like its predecessors, providing for licenses; but that act contained the proviso:

> That no license hereinbefore provided for, if granted, shall be construed to authorize the commencement or continuing of any trade, business, occupation, or employment therein mentioned within any State or Territory outside of the United States which shall be specially prohibited by the laws thereof or in violation of the laws of any State or Territory.

In 1864 the act of 1862 was amended, but exactly the same proviso was carried.

In the License cases, which are reported in Fifth Wallace, page 462, and which arose under the act of 1864, the court said:

> This series of propositions and the conclusion in which it terminates depend on the postulate that a license necessarily confers an authority to carry on the licensed business. But do the licenses required by the acts of Congress for selling liquor and lottery tickets confer any authority whatever?
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> * * * * * * *
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> It is not doubted that where Congress possesses constitutional power to regulate trade or intercourse it may regulate by means of licenses as well as in other modes, and in case of such regulation a license will give to the licensee authority to do whatever is authorized by its terms.
>
> But very different considerations apply to the internal commerce or domestic trade of the States. Over this commerce and trade Congress has no power of regulation nor any direct control. This power belongs exclusively to the States.
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> * * * * * * *
>
> But it is not necessary to regard these laws as giving such authority. So far as they relate to trade within State limits, they give none and can give none. * * * The granting of a license, therefore, must be regarded as nothing more than a mere form of imposing a tax. * * * But, as we have already said, these licenses give no authority; they are mere receipts for taxes.

And so, Mr. Chairman, it is perfectly clear that even under the old statutes, when the word "license" was used, no right, power, or authority was given, or attempted to be given, by Congress to those who were so "licensed" to pursue the business of selling liquor in any State contrary to the laws of such State. By an express proviso in every act, from the first one, in 1794, down to and including the last act in which the word "license" appears, which was the act of 1864, Congress expressly provided that the license should not authorize the licensee to sell liquor in any State contrary to the local law; and in the License cases the Supreme Court of the United States declared that Congress had no power to do so if it so desired.

In 1866, however, Congress struck out the word "license" and inserted in the place thereof the words "special tax," and since that time the Government has issued no license and has attempted to give to nobody any authority in any State to sell liquor contrary to the laws of the State, or in conformity with the laws of the State, for that matter.

Mr. RODDENBERY. Will the gentleman yield for a question right there?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. RODDENBERY. What has been the difference in the actual, practical operation since the change of the name from "license" to "tax," so far as the Government is concerned?

Mr. HUMPHREYS of Mississippi. If I catch the point of the gentleman's question, when this tax was called a license it was insisted that in view of the fact that the Federal Government had no constitutional power to license a business of that sort in a State, therefore the Federal Government had no right to collect the tax. That contention was carried to the Supreme Court of the United States, and in the cases usually called the License cases, which I have just cited, the court held that it was not a license at all in any such sense, but was a tax that parties in the States who were engaged in the business of retail liquor dealing were required to pay.

In order, I suppose, that nobody might be further misled, Congress in 1866, as I was about to explain, reenacted practically the excise laws that had existed theretofore, but struck out that provision of the statute which required—

> that all persons hereafter who shall engage in any of the enumerated businesses shall take out a license—

And in lieu of that inserted—

> shall pay a special tax—

So that no man might be deceived thereafter by believing that he had received a license.

Now, since that time, nearly 50 years ago, the Government has issued no license which could be misconstrued as giving any-

body any authority to go into the States, or any protection, if they sold liquor in a State where it was forbidden by the laws of that State.

Mr. BARTLETT. May I suggest to the gentleman that that same act, or a similar act, contained a provision that the tax should not authorize a man to sell liquor in a prohibition State?

Mr. HUMPHREYS of Mississippi. I have read that; that proviso is in every statute that has been enacted since 1794. Do I answer the question of the gentleman from Georgia [Mr. RODDENBERY]?

Mr. RODDENBERY. Yes; quite fully, and I quite agree with the gentleman as to the technical distinction. It was a revenue measure, in the first instance, and called a license. To meet certain decisions of the Supreme Court, as well as to enable the Government to continue the collection of the revenue and yet not be in conflict with the decisions of the Supreme Court, it was changed in name from "license" into "special tax," as it is now called, but carried with it no express permission to sell liquor.

Mr. HUMPHREYS of Mississippi. The court held that it never had been a license that would carry any authority with it. Although it was called a license, as a matter of fact, it was simply a tax, and Congress subsequently struck out the word "license" and inserted the words "special tax."

Mr. RODDENBERY. And therefore it is as much of a license now as it had ever been.

Mr. HUMPHREYS of Mississippi. It never had been a license in fact, and is not now.

Mr. RODDENBERY. In reference to the petition which the gentleman presents from the Prohibitionists in Mississippi, the use of the word "Government licenses" is technically erroneous; but to all intents and purposes it is as correct now as it ever would have been to have called it a license.

Mr. HUMPHREYS of Mississippi. No; it is not. It is technically and absolutely wrong now. It was technically correct prior to the act of 1866, because prior to that act the Government did issue a license. Since then they have not issued licenses. It is true the license issued was decided by the court not to be such a license as would give authority to any person to sell liquor contrary to State law. Since then no license whatever has been issued by name or otherwise.

Mr. RODDENBERY. Does not the tax levied and collected now protect the holder against any proceeding by the Government just as much as it did when it was called a license?

Mr. HUMPHREYS of Mississippi. Every bit; but it never did and does not now afford any protection against proceedings by the State.

Mr. KENDALL. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. KENDALL. The certificate or receipt which the Government issues now to a retail liquor dealer is substantially what it was when the business was first organized.

Mr. HUMPHREYS of Mississippi. In the form of the receipt?

Mr. KENDALL. It was never intended to afford to a local liquor dealer any immunity against prosecution for violating local law?

Mr. HUMPHREYS of Mississippi. Never.

Mr. KENDALL. All it was designed to do was to evidence the fact that he had paid the tax imposed by the Government upon the operation of the right to do the business.

Mr. HUMPHREYS of Mississippi. That is all.

Mr. KENDALL. I have introduced a bill which is intended to have the Government abandon the business of issuing revenue licenses or collecting revenue taxes in prohibition communities, but I have not been able to get any action on it.

Mr. HUMPHREYS of Mississippi. In the Fifty-eighth Congress I introduced a similar bill, but I was soon convinced that I was following the wrong route. The Government of the United States does not render any assistance to any man who goes into a State and sells liquor in contravention of State law. On the contrary, the Government assists the State, as the law stands to-day, in running down such violators and bringing them to justice, and it does it in this way.

Under the old law the States passed statutes, as they had the right to do, making the issuance of these tax receipts prima facie evidence of a violation of the State law, and the State authorities called upon the internal-revenue collector to furnish them with the evidence, which he refused to do. The court thereupon held that he would have to show his records, because no specific order had been issued by the Treasury Department forbidding him to do so. That case was decided in the Seventy-fourth Federal Reporter, page 928, in the case entitled In re Hirsch. Then the Internal Revenue Commissioner issued this order:

> Collectors are hereby prohibited from giving out any special-tax records or any copies thereof to private persons or to local officers, or to produce such records or copies thereof in a State court, whether in answer to subpœnas duces tecum or otherwise. Whenever such subpœnas shall have been served upon them they will appear in court and answer thereto, and respectfully decline to produce the records called for, on the ground of being prohibited therefrom by the regulations of this department.

Mr. KENDALL. There is an order subsequent to that, is there not?

Mr. HUMPHREYS of Mississippi. There is an order subsequent to that; I think issued last year. The Internal Revenue Commissioner was called upon to go into court and give these records subsequent to this order, which he refused to do, and that proposition finally got into court. The court upheld him in that. That case went up from Arkansas, and the style of the case was In re Lamberton, decided in One hundred and twenty-fourth Federal Reporter. Judge Rogers decided the case, and he upheld the right of the Internal Revenue Commissioner to refuse to give these records to the State court. An effort was made then in Congress to correct that situation.

The particular bill which passed was the one which I myself had introduced, and it required the internal-revenue collector to open these records to inspection by State authorities and to give proper certificates. An Executive order, I understand, has since been issued compelling him to do the same thing. So that now the fact is that when a person in a State where the sale of liquor is forbidden by law pays this special tax the record of that is kept, and that record is made public and is turned over to the State authorities upon request, and in many instances is made prima facie evidence of guilt. So that as the law stands to-day, instead of the Federal Government assisting the illicit retailer, it does exactly the contrary. The Federal Government lends its assistance to the State, so that when the tax is paid the record of that fact is at once available under the law and must be turned over to the State authorities, and then the State authorities, acting upon that, can and do in a number of States proceed with the prosecution, having in their possession this prima facie evidence of guilt.

Mr. SAUNDERS. Mr. Chairman, may I interrupt the gentleman at that point?

Mr. HUMPHREYS of Mississippi. In one moment. I have gotten very far away from the purpose for which I took the floor. My purpose was simply to say that, so far as the law is concerned, so far as Congress has been able to act at all, it has in every statute enacted since 1794 expressly provided that the authority granted by the internal-revenue license, when it was a license, should not protect the seller in a State where he violated the State laws by the sale, and in 1866, about the time of the decision in the License cases, Congress, in order that no man might be deceived by the mere term "license," struck that out of the statute books, and then provided:

> The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State, or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business for State or other purposes.

That is now section 3243 of the Revised Statutes of the United States.

Mr. SAUNDERS. Mr. Chairman, I desire to call the gentleman's attention to the weakness of the situation in regard to affording information. It is provided that the information may be afforded on request, but these taxes are paid from time to time, and one never knows when they are going to be paid. They are not paid all at one time. They are paid at irregular intervals, and if the prosecuting attorney or the judge desire to be adequately informed they would have to write every day to know whether in that county or locality any of these taxes had been paid. Collectors charge a fee before they furnish this information, so that really the law at present is not aiding very much the prosecution in these cases. If you would provide that the moment the tax is paid the collector shall immediately forward information of that fact to the prosecuting attorney and the judge of the appropriate locality, then you would meet the situation. But as it is, it is imperfectly and inadequately met.

Mr. HUMPHREYS of Mississippi. I will agree to that, but I do not agree to the last statement at all.

Mr. SAUNDERS. What is that?

Mr. HUMPHREYS of Mississippi. That is has amounted to very little assistance——

Mr. SAUNDERS. I come from a community where there is as much——

Mr. HUMPHREYS of Mississippi. If the gentleman will permit me for a moment—I also come from that kind of a community, and I expect that everybody in this House comes from that kind of a community. In my State the law requires the peace officer—the sheriff—to ascertain from the internal-revenue collector's office of that district the names of all those who have paid these taxes and publish them in the newspapers, and the courts meet every six months——

Mr. SAUNDERS. He gets that information to-day of what anybody has paid, but the very next day there may be a half a dozen who pay, and that information is not afforded.

Mr. HUMPHREYS of Mississippi. The gentleman understands if a man pays the tax to-morrow he is just as guilty as if he did it day before yesterday.

Mr. SAUNDERS. Absolutely.

Mr. HUMPHREYS of Mississippi. And the tax is for a year when it is paid, and if the sheriff gets a list every six months, which is required in my State, when the grand jury meets, whether the court meets once in six months or once in three months, it is there to be acted upon, and it has done a tremendous good, in my opinion.

Mr. KENDALL. I desire to say to the gentleman that the law in Iowa provides that the list of retail dealers shall be furnished to the county attorneys of the different counties, and the fact that a man holds a retail liquor receipt is presumptive evidence of guilt. I am very glad to say in this presence that that statute has been of very effective value in the State of Iowa in the enforcement of the laws against the illegal traffic in intoxicating liquors, and we have not encountered the difficulty there suggested by the gentleman from Virginia.

Mr. HUMPHREYS of Mississippi. Well, I am very glad to hear that. It has certainly done tremendous good in the State of Mississippi, and now when a man pays the tax he is informed upon at once. If he fails to pay it, he has two sovereignties after him, the State and the Federal Government. Now, Mr. Chairman, I had no notion of taking up this much of the time of the House, because I have gotten very far from what I had intended to call to your attention. Congress has gone a long way in my opinion. Congress has kept pretty well abreast of public sentiment on the liquor question so far as its legislation is concerned, and if the Prohibitionists throughout the country would direct their activities first against the State legislatures, and then upon the peace officers in their own communities, and assist them in executing the law, they would accomplish very much more than by depending upon further legislation along these lines by Congress. Congress has kept up with the States in this character of legislation, and the failure, where there is a failure, in the execution of prohibition laws is not chargeable, in my opinion, to Congress, but is chargeable to the lack of vigilance or the defects of the laws in the States themselves. [Applause.]

Mr. KENDALL. And to the local officers, nine-tenths of them.

Mr. SISSON. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, on the first day of the present session of this Congress I introduced a bill to abolish the Commerce Court and to amend the existing law so as to limit the issuance of preliminary injunctions in suits brought against the orders of the Interstate Commerce Commission.

The bill I introduced was reported favorably by the Committee on Interstate and Foreign Commerce on the 29th of March, 1912, and I now read same for the information of the House:

A bill to abolish the Commerce Court, and for other purposes.

Be it enacted, etc. That an act entitled "An act to create a Commerce Court, and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910, be amended by striking out sections 1 to 6, inclusive, and paragraph 12 of section 13 thereof, and inserting in lieu of said sections 1 to 6, inclusive, and said paragraph 12 the following:

"SECTION 1. That on and after the passage of this act the jurisdiction vested in the Commerce Court in and by said act of June 18, 1910, shall be transferred to and vested in the district courts of the United States.

"Any suit brought to invoke such jurisdiction shall be brought in the circuit of the United States where one of the common carriers who is a party to said suit has its principal operating office, unless said office is in the District of Columbia, in which case said suit shall be brought in the circuit where such carrier has its principal office, and the provisions of an act entitled 'An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted, approved February 11, 1903,' shall apply to any and all such suits.

"SEC. 2. That a final judgment or decree of a district court in any such suit may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within 60 days after the entry of such final judgment or decree. Such appeal may be taken in like manner as appeals from a district court of the United States to the Supreme Court are now taken in other suits. The Supreme Court may affirm, reverse, or modify such final judgment or decree, as the case may require. Such appeal, however, shall in no case operate to supersede or stay the judgment or decree appealed from.

"An appeal may also be taken to the Supreme Court of the United States from an interlocutory order or decree of a district court granting or continuing an injunction restraining, staying, or suspending enforcement of an order of the Interstate Commerce Commission, provided such appeal be taken within 30 days after the entry of such order or decree.

"Appeals to the Supreme Court under this section shall have priority in hearing and determination over all other causes except criminal causes in that court.

"SEC. 3. That any suit brought to enforce, or to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission, except orders for the payment of money, shall be brought in the name of the commission, or against the commission by name, as the case may be. The pendency of such suit shall not of itself stay or suspend the operation of the order of the commission, but the court may suspend, in whole or in part, the operation of the commission's order pending final hearing and determination of the suit if the court entertains grave doubt concerning the validity of the order and is of the opinion that irreparable injury to the party or parties against whom the order is made will ensue if such order of suspension is not granted. No preliminary injunction, restraining order, or stay order so suspending the operation of an order of the commission shall be made by the court otherwise than as above and on hearing after not less than 5 days' notice to the commission, and no order of the court so suspending the operation of an order of the commission shall continue in force for more than 90 days. In case the court shall so suspend the operation of an order of the commission, the court shall state in its order of suspension the particular or particulars wherein it entertains such doubt concerning the validity of the commission's order, and point to the evidence upon which it bases its opinion that irreparable injury to the party or parties against whom the order is made will ensue if such order of suspension is not granted, and state the nature of the injury.

"SEC. 4. That the Interstate Commerce Commission shall appoint a solicitor, who shall receive an annual salary of $10,000, payable out of the appropriation for the commission in the same manner that salaries fixed by the commission are paid.

"Said solicitor shall, under the direction of the commission, have full charge and control, on behalf of the commission, in the courts of the United States, including the Supreme Court, of any and all suits brought to enforce, or to enjoin, set aside, annul, or suspend, any order or orders of the commission, except orders for the payment of money, and of any and all other suits instituted in court by or against the commission, and the commission may from time to time employ such attorneys as it may deem necessary to assist said solicitor in the conduct of such suits, and fix the compensation to be paid to such attorneys, which compensation shall be paid out of the appropriation for the commission: *Provided*, That any party interested in any order involved in any such suit may intervene in and become a party to said suit and be represented by his, its, or their own counsel therein under such rules, regulations, and practices as are now in effect in equity courts of the United States.

"Any and all costs taxed against the commission, and any expense incurred on behalf of the commission, in any suit instituted in court as aforesaid, shall be paid out of the appropriation for the commission.

"SEC. 5. That all cases pending in the Commerce Court at the date of passage of this act shall be transferred forthwith to said district courts. Each of said cases shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court.

"SEC. 6. That if any carrier fails or neglects to obey any order of the commission other than for the payment of money while the same is in effect, the Interstate Commerce Commission may apply to any district court of the United States, in the circuit wherein such carrier has its principal operating office, unless such office is in the District of Columbia, in which case such application shall be to the district court in the circuit wherein the carrier has its principal office, for the enforcement of such order. If after hearing that court determines that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives from further disobedience of such order, or to enjoin upon it or them obedience to the same.

"SEC. 7. That any act or parts of any act in conflict with or inconsistent with the provisions of this act are hereby repealed.

"SEC. 8. That this act shall take effect and be in force from and after its passage, except that the judges of the Commerce Court shall have authority to make any and all orders and to take any other action necessary to transfer as aforesaid the cases then pending in the Commerce Court to said district courts."

Mr. Chairman, this bill repeals the first six sections and paragraph 12 of section 13 of the act of June 18, 1910, establishing a Commerce Court. Those sections created that court, specified its duties and methods of procedure, and defined its jurisdiction. Stated somewhat more in detail, the provisions of the various sections were as follows:

Section 1 creates the Commerce Court, defines its jurisdiction, provides for the appointment of its judges and other officers, specifies the localities in which and the methods by which proceedings before this court shall be conducted.

Section 2 provides for an appeal from a final judgment or decree of the Commerce Court to the Supreme Court of the United States, and also an appeal from an interlocutory order of the Commerce Court granting a temporary injunction.

Section 3 directs that suits brought to enjoin the orders of the Interstate Commerce Commission shall be against the United States.

Treats of the granting of temporary injunctions and restraining orders, both by the court and by an individual member of the court.

Section 4 provides that all proceedings which have hitherto been brought in the name of or against the Interstate Commerce Commission shall be brought henceforth in the name of or against the United States, and that the United States may intervene in suits then pending by or against the Interstate Commerce Commission.

Section 5 provides that the Attorney General shall have charge of all suits brought to enforce the act to regulate commerce, and also of all suits brought to enjoin an order of the commission, but gives to the commission itself the right to intervene in proceedings attacking its orders, and also permits interested parties, whether individuals, associations, or communities, to be heard in those proceedings.

Section 6 provides for the transfer of cases pending in the various circuit courts to the Commerce Court.

Also requires common carriers to appoint agents resident in the city of Washington, upon whom service can be made.

Paragraph 12 of section 13 provides that the Attorney General may, in case the order of the Interstate Commerce Commission is not complied with, apply to the proper district court for a mandatory process to compel such obedience.

The general purpose of this bill is to restore matters to the status which they occupied previous to the passage of the Commerce Court act in so far as that act provided for a Commerce Court. The sections in this bill in detail are as follows:

Section 1 transfers the jurisdiction of the Commerce Court to the district courts of the United States. It will be borne in mind that the district courts now exercise the functions discharged by the circuit courts when the Commerce Court was created.

States the venue in which suits attacking orders of the commission shall be laid and provides that the expediting acts shall apply to these suits.

Section 2 provides for an appeal from the district court to the Supreme Court within 60 days from the entry of a final judgment or decree, and that the Supreme Court may affirm, reverse, or modify such final judgment or decree.

Also provides for an appeal to the Supreme Court from any interlocutory order or decree of the district court granting or continuing a temporary injunction.

Provides that appeals to the Supreme Court shall have priority over all other causes except criminal causes.

Section 3 provides that any suit brought to enforce or set aside an order of the Interstate Commerce Commission, except orders for the payment of money, shall be brought in the name of the commission or against the commission.

The district court is allowed to grant a temporary injunction or restraining order only in case that court entertains grave doubt concerning the validity of the order and is of the opinion that irreparable injury to the party or parties against whom the order is made will ensue if such order of suspension is not granted.

The district court is required to state in its order temporarily enjoining the order of the commission the particular or particulars in which it entertains such doubt, and to point out the evidence upon which it bases its opinion that irreparable injury will ensue.

Section 4 creates the office of solicitor of the Interstate Commerce Commission, who shall have charge of the litigation of the commission both in the district courts and before the Supreme Court.

Further provides for the employment of attorneys by the commission to assist its solicitor in the conduct of its litigation.

There is a further provision that any interested party may intervene in any suit brought to set aside the commission's order.

Costs taxed against the commission and all expenses incurred by the commission in the course of this litigation are paid from the appropriation of the commission.

Section 5 transfers all cases pending in the Commerce Court at the date of the passage of the act to the several district courts. Each case is to be transferred to that district court in which it might have been brought at the time it was filed in the Commerce Court. In case it might have been brought in one or two or more districts, it shall be transferred to that one which may be designated by the petitioners. If the petitioners do not so designate within 10 days from the passage of this act, then the judges of the Commerce Court shall designate the district court.

Section 6 provides that if a carrier fails or neglects to obey an order of the commission, the commission may make application to a district court in the district where the carrier has its principal operating office, and requires the court, if the order has been regularly made and duly served, to enforce the same by mandatory process.

Section 7 repeals acts in conflict with the provisions of this bill.

Section 8 provides that this act shall take effect from its passage, except that the judges of the Commerce Court shall have the necessary authority to make orders transferring to the appropriate district courts the cases pending in the Commerce Court at the time of the passage of the act.

If this bill is passed, the law will stand, in the main, as it did before the act creating the Commerce Court, with, however, two substantial exceptions, namely, temporary injunctions and the conduct of the litigation of the commission.

The act of 1906 gave to the circuit courts authority to grant an injunction restraining the operation of the order of the commission temporarily, pending litigation before the circuit court. This bill allows the granting of such a temporary injunction only in case where the court "entertains grave doubt concerning the validity of the order and is of the opinion that irreparable injury to the party or parties against whom the order is made will ensue if such order of suspension is not granted."

It seems evident that when a case has been deliberately heard and decided, the order of the commission should not be lightly, or as a matter of course, set aside. Up to the time that order is made the public has practically no relief from the unlawful rate or practice. If the order is enjoined, the public in most cases can obtain no complete relief against what happens pending the litigation in court.

In a case where one of two parties must suffer it seems but reasonable that the decision of the tribunal appointed to determine the question shall prevail, pending an appeal to the courts.

This bill attempts to reach that end by inhibiting courts from issuing these temporary restraining orders except in cases of "grave doubt."

Congress can without doubt enact that such temporary injunctions shall only continue for a certain time, provided that that time is a reasonable one within which to dispose of the matter upon its merits. It has always seemed to many people that the only effective restraint which can be put upon the power of the court in the granting of these temporary injunctions was to limit the life of the injunction itself. This bill does that by providing that no temporary order shall continue in effect for more than 90 days. This length of time is sufficient in which to try all questions presented to the district courts upon their merits, and the effect of it will be to expedite in the only sure way by which that can be done—the disposition of these questions in the district courts whenever a temporary injunction is granted.

This bill also provides that the court in issuing its temporary injunction shall state the reasons upon which it proceeds, and this is an important provision.

Contrary to the general equity rule, the commission is allowed by the terms of this bill to appeal from an interlocutory order of the district court granting a temporary injunction. It is plain that such an interlocutory order might be granted as a simple exercise of discretion, or it might be granted for some substantial reason. The court might find some defect in the order of the commission or in the proceedings which led up to that order which would invalidate the order, but which could be readily remedied by the commission in some subsequent proceeding. If, now, the court is required to state the ground upon which it acts in the granting of the temporary injunction the commission can determine, first, whether it will stand upon its present order and, second, whether if it elects to do so the substantial question involved can be presented by an appeal from the interlocutory order of the district court.

Mr. Chairman, it was somewhat doubtful under the law as it stood previous to June 18, 1910, to what extent the Interstate Commerce Commission could participate in the conduct of litigation to which it was a party. While the commission was habitually represented by its own attorneys in these proceedings, it is probable that a strict interpretation of the statute would have placed authority over this litigation in the Department of Justice. The act creating a Commerce Court did this in express terms. The present bill vests in the commission

exclusive authority over all litigation to which it is a party either as a complainant or a defendant.

The commission is not a part of the executive branch of this Government, but is really the arm of Congress. The Supreme Court has said that the fixing of an interstate rate or practice is a legislative function. Congress might, by direct enactment, discharge that duty, or it may, as it has done, commit it to some tribunal. The commission reports directly to Congress and not to the President.

Questions with which the commission deals are not law questions; they are rate questions, to the proper solution of which a knowledge of law is but little helpful. To present these questions to the courts it is necessary first of all to have a competent understanding of the facts. The commission knows what it intended to accomplish in a particular instance and how it intended to accomplish that purpose. It can explain the connection of one decision with another and the effect of its decisions upon general commercial and transportation conditions. It is almost essential that the attorney who manages these matters in court shall be in close touch with the commission and in full accord with its purposes and efforts.

This has always been recognized in the past, and until the present Attorney General took office the commission has always, at the request of the Department of Justice, managed, in the main, its own legal matters, either by attorneys regularly employed by it or by special counsel engaged for that purpose. This bill proposes to give the commission authority to do what it has always done in fact up to the last three or four years and what it must do in some form if its litigation is to be properly conducted.

The present system, which permits the Attorney General to virtually overrule the orders of this commission when they are objected to by the carrier, is an apparent absurdity.

The first section of this bill makes the various expediting acts applicable to suits brought in the district courts to enjoin the orders of the commission. The expediting act provides that the Attorney General shall file with the clerk of the district court in which the proceeding is pending a certificate requiring that it be expedited. In the past the Attorney General has been a party to these proceedings. If this bill is adopted he will no longer be such party and will have no interest or knowledge in the premises. It is provided, therefore, that the expediting acts shall apply as a matter of course and without the certificate of the Attorney General.

If a Commerce Court is necessary, a mere saving of expense would be no sufficient reason for abolishing it, but if it is unnecessary the Government ought not to throw away money in its maintenance. It is therefore a question of some importance to inquire whether the present system or the system proposed by this bill would be the more economical. It is evident that the maintenance of the Commerce Court involves a large additional outlay in the following particulars:

There is, first, the appropriation covering the items of rent, the salaries of the officers of the court other than its judges, and all the incidental expenses, aside from the salaries of the judges themselves. What this amounts to can be determined by looking into the estimates for the coming year.

There is, in the second place, the item of the salaries of the judges themselves.

Under the present system five judges are employed almost continuously in Washington. The act provides that the judges of the Commerce Court may be assigned to work upon their respective circuits, and to a very limited extent this has been done, but only to a limited extent.

Under the method proposed by this bill cases now coming before the Commerce Court will be heard by three circuit or district judges in the circuit where the cause is pending. It is a perfectly conservative estimate to say that one-half of the time of the five judges who now constitute the Commerce Court will be saved, and that therefore there will be a saving of at least one-half the salaries paid these judges.

It must be remembered that every circuit for which one of these judges was appointed now needs the continual service of an additional circuit judge for the proper disposition of its business.

There is, in the third place, a very material saving in the expense of conducting the litigation of the commission under the plan proposed by this bill as compared with the present plan.

To-day the work of handling these cases is virtually duplicated. The commission has the right to intervene, and it has in all cases intervened. The commission has not felt that its cases would be properly presented to the court unless it did appear by its own attorneys. It is believed that the Commerce Court judges themselves would bear witness that the substantial burden of this litigation has been sustained by the commission.

The commission employs at the present time a solicitor at a salary of $5,000 per year and an attorney at a salary of $3,900 per year, and these two individuals have represented it in all cases before the Commerce Court and the Supreme Court, with the exception of one or two instances, where special counsel were employed, for the reason that the attorney had formerly been an employee of the commission and was especially familiar with that particular case.

The Department of Justice devotes to this work an Assistant Attorney General and two subordinates, and maintains an expensive suite of offices for the accommodation of these lawyers.

Mr. Chairman, whether greater expedition in disposing of cases would be obtained under the Commerce Court system or under the system proposed by this bill is fairly doubtful. It is evident that when the case once reaches the Supreme Court of the United States, where, as a practical matter, all these cases finally go, it makes no difference whether it comes from the Commerce Court or from the district court. The real question, therefore, is which court below will most expedite the business.

The Commerce Court has nothing to do but to try these cases, and ought to be able to give them great expedition. In point of fact, this has not always been done. One important case was submitted nearly a year before an opinion was handed down by the Commerce Court, and in several instances months between the hearing and the decision have intervened.

It must be evident that if Interstate Commerce Commission cases took their ordinary course before the district courts, as they did prior to the adoption of the expediting acts, great delay would necessarily occur in those courts, but under this bill the expediting act applies which requires that the case shall be heard by three judges and shall be given precedence over other matters.

This practice is almost exactly like that which prevailed previous to the creation of the Commerce Court. Experience under that method of procedure shows that circuit courts did ordinarily obey the mandate of the statute, lay aside other matters, and give actual precedence to these cases. Under that practice fully as prompt a decision was obtained from the circuit court as has been obtained from the Commerce Court. In cases where there was no trial upon the facts decisions were promptly reached from which appeals could be taken to the Supreme Court. Where the case was heard upon the facts by a master there was necessarily the same delay in the circuit court that there has been in the Commerce Court.

If the expediting act is applied in good faith by the district courts, it is believed that matters would be as expeditiously handled under the plan proposed by this bill as under the Commerce Court act.

The Commerce Court, though composed of circuit judges, has no jurisdiction of any kind or character except suits instituted for the enforcing, enjoining, setting aside, annulling, or suspending orders of the Interstate Commerce Commission. Very few suits have been brought, or ever will be brought, in that court to enforce orders of the commission. On the contrary, nearly all suits brought in that court are, and will continue to be, suits against the enforcement of the commission's orders. All these suits are in fact attacks upon the commission. In all these cases the commission stands as the real defendant. These suits may be many and the charges multitudinous, but all the while there will be but one material defendant. The Commerce Court, year in and year out, must for all time, if it be continued so long, hear a never-ending volume of criticism and denunciation of the commission regarding the discharge of its functions and duties. Practically every invocation of the jurisdiction of this court will be adverse to the commission. Is it possible for any five judges to remain unbiased under such conditions? To expect otherwise is too much for weak human nature. In this connection it is interesting to note, as shown by the last annual report of the Interstate Commerce Commission, that out of 27 cases passed on by the Commerce Court since its creation, February 15, 1911, to December 4, the date of said report, that preliminary restraining orders or final decrees have been issued in favor of the railroads in all but 7 cases, and that only 3 of the 7 were of any magnitude; that in but 3 cases of any consequence where the commission and the shippers have been opposed to the railroads have the orders of the commission been sustained even temporarily by the refusal to grant a temporary restraining order.

Is it possible to regard such a record of the Commerce Court as otherwise than destructive of the usefulness of the Interstate Commerce Commission, the instrumentality of Congress by and

through which the rates and practices of the common carriers of the country are to be controlled and regulated?

The Supreme Court has declared that the making of a rate for the future is a legislative and not a judicial function. It has further declared that this function may be exercised by Congress through a commission acting under prescribed rules. The rate thus fixed by a commission is as much a legislative act as if made by Congress itself.

The discretionary power involved in reaching a conclusion that a particular rate is or is not reasonable for the future is, in the very nature of things, a legislative discretion which can not and ought not to be reviewed by the courts; nor can its legislative character be changed even though there is no dispute about the facts in many cases where such discretion and judgment must be exercised. The only questions that can arise for the determination of a court in such cases are two:

First. Did the commission have the power under the law to make the order?

Second. Is the order confiscatory?

The first of these questions involves the construction by the court of the acts of Congress by which the powers of the commission are delegated to it, which is a pure question of law in nowise dependent upon the facts of any given case. The second question is one of fact as to whether the rate fixed by the commission is so low that the carrier can not, in connection with all its other sources of income, earn enough money to enable it to maintain its property and pay operating expenses.

Do either of these questions demand or require special expert knowledge on the part of judges of any court? Do not all courts, both State and Federal, have to construe the statutes of legislative bodies? Does it require unusual legal attainments for judges of one particular Federal court to enable it to properly construe the acts of Congress conferring powers on the Interstate Commerce Commission? Are not the acts of Congress conferring such powers as simple and as easily understood as any other acts?

Is it necessary that the judges of an inferior court, from all of whose decisions a direct appeal lies to the Supreme Court, should be experts, when the judges of the court of last resort are not experts? If experts are needed as judges of the Commerce Court, why should there not be a court of experts to pass on all questions arising out of the application of the fourteenth amendment regarding the acts of the legislatures of the several States and as to the acts of the State railroad commissions? The questions of law and fact in cases arising under the fourteenth amendment of the Constitution are exactly of a kind and character as are those arising under the fifth amendment and requires no different qualifications for judges passing on such questions than is required of the judges of the Commerce Court.

As shown by the latest report of the Interstate Commerce Commission, the State of Illinois has 11,875 miles of railroads; Pennsylvania, 11,083 miles; Texas, 14,243 miles; Iowa, 9,733 miles; Kansas, 9,006 miles; Michigan, 8,985 miles; Minnesota, 8,668 miles; Missouri, 8,077 miles; Ohio, 9,128 miles. All these States have railroad commissions vested with legislative powers in varying degrees regarding rates and practices of railroads, but not one of these great States, with thousands upon thousands of miles of railroads within their respective borders, has any special State court to pass on the validity of the acts of the legislatures of these States or of the orders of the railroad commissions of any of them. Then why should the United States be burdened with the expense of maintaining a special court to pass on questions of law and fact respecting the powers and orders of the Interstate Commerce Commission?

To ask this question is to answer it. There is nothing unusual or out of ordinary court procedure in passing on any facts that may be presented or that is necessary to be considered in determining whether or not a certain rate of fares and charges is or will be confiscatory. The testimony of expert witnesses in such cases must be weighed and considered, but it does not require an expert court of first instances to consider expert testimony any more than it does for a court of last resort.

It appears from several cases determined by the Commerce Court that where there is no conflict of testimony before the commission or where the facts are undisputed that the court holds it has a right to substitute its conclusions of fact from such undisputed testimony for and instead of the conclusions of fact found by the commission and to determine for itself whether or not the rate of fares and charges fixed by the commission for the future is reasonable.

As a great majority of cases wherein the orders of the commission are assailed are based upon undisputed facts, such a holding of the Commerce Court will permit it to review upon the facts the orders of the commission in the same manner as in a court of appellate jurisdiction where causes coming to it by appeal are tried de novo. As the Interstate Commerce Commission is the highest authority on the effect of such holdings by the Commerce Court on the orders of the commission, the following statement of the commission in its last annual report in commenting on the decision of the Commerce Court in the Pacific Coast Switching cases, is entitled to great weight:

> But while it happened to be otherwise in this particular case, it is true of the great majority of the cases heard before this commission that the facts are not in dispute. It is the conclusion to be drawn from those facts which is doubtful. Do the facts, not usually open to question, justify the further conclusion of fact that the rate or the practice under consideration is unjust and unreasonable? It is this inference of fact which the commission must of necessity draw whenever it reaches a conclusion upon any question involving the reasonableness of a rate or the undueness of a discrimination. If the Commerce Court is correct in stating that where the facts are admitted it is for that court to determine whether the rate is unreasonable or the discrimination undue, then ninety-nine one-hundredths of the orders of this commission can be reviewed upon the question of fact by the courts.

Mr. Chairman, it is alleged by the Attorney General that it is unnecessary for the Interstate Commerce Commission to be represented in suits in the courts wherein its orders are attacked, and further that it ought not to be represented in such proceedings by its own counsel.

This contention is based upon the fact that the commission as a tribunal has decided something which is in issue in the court, and it is argued that you might as well have a district judge directing his counsel to appear before the Supreme Court to argue in support of his opinion or decision.

There is no such analogy between a United States district court and its judicial functions and duties and the Interstate Commerce Commission and its administrative functions and duties as to make pertinent the comparison referred to. The district court is strictly a judicial tribunal, trying issues between parties at interest in which they alone are affected. The review of its decisions by the supreme or appellate court is upon appeal, and the only parties interested or affected by the decision are heard upon the record as they have made it. The Interstate Commerce Commission, on the other hand, is not a judicial tribunal, is not a court, and renders no judgments; therefore, there can be no appeal on a judgment to a court. It is authorized and required by law generally to enforce the provisions of the act to regulate commerce, and specifically to enter orders against carriers to cease and desist from the exaction and enforcement of rates, regulations, and practices, and to establish in lieu thereof other rates, regulations, and practices, when, in its opinion, after full hearing upon complaint filed or a proceeding of inquiry instituted on its own initiative, it shall conclude that any rate, regulation, or practice complained of, or involved in an inquiry instituted by itself, is unjust and unreasonable, or unduly discriminatory, and therefore unlawful under the various provisions of the act.

Every rate, regulation, or practice of a common carrier, both directly and indirectly, affects the interests of many persons; therefore every such question is a public question, whether the complaint be instituted by an individual or association or by the commission itself. The administration of this law, therefore, should be uniform in the application of the principles to be applied in the consideration of the varying facts, circumstances, and conditions respecting the questions of reasonableness and of discrimination.

By reason of the ever-changing facts, circumstances, and conditions upon which a question of reasonableness or of discrimination must be determined in each case, it has been deemed impracticable by judicial procedure in the courts to secure and enforce proper regulations, partly because of the necessity for the establishment of rules, regulations, and practices for the future, which is in the nature of a legislative function. In the very nature of the case the question of reasonableness or of discrimination must be determined upon many considerations; one pertinent fact may be of much less consequence in one case than in another, because of countervailing facts, circumstances, and conditions present in one case and not in another. So no specific formula or rule uniformly applicable to all cases can be prescribed for the determination of these questions, no more than a verdict of a jury can be rendered on the basis of a formula or specific rule.

This being so and the commission being appointed with a view to the special qualifications of its members as experts, dealing continually and exclusively with questions of this kind, constantly accumulating, in which the facts, circumstances, and conditions as developed in its investigations from day to day are all available in bringing its expert knowledge to the determination of questions in each case, how can it be possible that any other department, or representative of any other department, can know the reasons and the theory of the commission's action in making a specific order, as well as the commission's own representative, who is continually engaged

with it in connection with controversies growing out of its orders? The commission may be in error, and if so, it is for the courts to refuse to enforce its orders; but it is impossible that any other than its own representative could so well present to the court its reasons and the facts upon which it has felt justified under the law in making the particular order at issue.

It has not, as a court, tried a case between John Doe and Richard Roe, in which no one else is interested, but it has, in the performance of an administrative duty, as an expert body upon full hearing and in obedience to the law, entered an order, which, unless the carriers can secure an injunction against it, will become effective. It is not, therefore, merely the interest of John Doe or Richard Roe that is involved in the enforcement of the order of the commission, but it is a public question affecting many people and many interests, those of others as well as the carriers. For this reason it seems to the committee that the comparison between the commission in endeavoring to show in court the reasons for the order it has made on the one hand and the appearance of a representative of an inferior before a court of appeals, merely to sustain the decision of the judge in a controversy between two individuals, both of whom are represented in the court of appeal as well as before the lower court on the other hand is wholly out of place. The question is an eminently practical one, and it seems too obvious for argument that the representatives of the commission, whether it has made a proper order or not, can better know and present to the court the reasons for its action than anyone else.

If the commission is to be excluded from justifying its orders before the courts, and is to be under the direction and control of the head of another department, it may turn out that the latter may be wholly unfamiliar with the reasons which actuated the commission, or being familiar with these reasons for action, may disagree with it as to the conclusions reached, and therefore be unfavorable to the enforcement of its order.

In either event, the court hearing the controversy must be deprived of the theory and reasons which govern the administrative body charged with the enforcement of the law and the application of its provisions to these controversies, involving not merely private but public interest. If another department is to determine whether the order of the commission should be upheld or not, and the commission is not to be heard, then it would seem consistent that the proposed orders of the commission should be submitted for the approval of the other department before they are entered. This would hardly seem to be compatible with the plainly manifest theory of this legislation, which is that the commission should be as absolutely independent as possible in its action, to the end that it may be perfectly impartial, as indicated in the manner of its establishment.

It is required that not more than a majority of its members shall be of the same political party, that in the ordinary course the term of not more than one member of the commission should expire at the same time, and that it shall report directly to Congress. All of these provisions were intended to make it free of possible political or other influence from any source. Expert knowledge and experience was sought to be secured by the somewhat long term of office of seven years without change in the personnel of more than one commissioner at a time.

The orders which the commission enters are the culmination of its investigations and the application of its expert knowledge to the facts, circumstances, and conditions disclosed in each case. It is its orders which give effect to the provisions of the law. When the validity of these orders is on trial, conceding that they will sometimes be found to be erroneous, how can it be possible that any other than a direct representative of the commission can present as well as he the commission's reasons in justification of its action? What possible impropriety can there be in the appearance of the commission's representative to aid the court in an accurate and correct understanding of the commission's action and its reasons therefor?

The representatives of the complainants and of the defendant carriers will conduct the contest in court mainly from the standpoint of their respective interests and not from the impartial standpoint of the public interest. If the commission is to be kept independent, to the end that it may act with the utmost freedom and impartiality, without restraint, and is to be responsible for the orders it makes, in all fairness to it and to the public it should be permitted to present through its own representative the justifying reasons for its action.

Mr. Chairman, when we reach that part of the bill now under consideration, providing for the abolishing of the Commerce Court, under the five-minute rule, I hope to have some extension of time, when I expect to comment on the small amount of business the Commerce Court will have after the first year or two of its existence and what a heavy burden it is to keep up this unnecessary and very expensive court.

The remarks I am making at this time bear upon the bill which I introduced and which was reported favorably by the Committee on Interstate and Foreign Commerce, rather than on that part of this bill abolishing the Commerce Court.

The CHAIRMAN. The Chair now recognizes the gentleman from Nebraska [Mr. SLOAN].

FREE MEATS AND CEREALS.

Mr. SLOAN. Mr. Chairman, upon the repassage of the old wool bill we were informed there would be no more predigested tariff legislation this term.

The member of the Ways and Means Committee from New York [Mr. HARRISON] paused recently in his defense of a chemical schedule, which he was revising upward, to forecast an early introduction of the agricultural schedule. In this connection he said (p. 2202 of the RECORD):

> The furthest I am willing to go in the doctrine of free raw material is that I am unwilling to lay a tax upon any so-called raw material, the imposition of which will increase the cost of the necessaries of life.

The exigencies of two presidential campaigns in this House have created a little caution and shattered a number of predictions—among others, the early incoming of an agricultural schedule.

I might have waited until that schedule came in, but its character is settled. Instead of taking advantage of this "open season" for all kinds of debate I might have taken leave to print. I am personally as prejudiced against stillborn speeches as I am against caucus-canned legislation. Frankly, a speech that is not good enough for this body to hear is not good enough for my constituents to read. [Applause.] Still, a speech, however lacking, which has been rehearsed before this body may properly be read by a most exacting constituency.

Last April the majority forced through this House, over the opposition of the Northwest, the Canadian pact. That agreement opened our ports to Canadian agricultural products and at the same time opened Canadian ports to our products. We thought the exchange was unfair to the farmer of the Northwest. Thorough debate in each House of Congress demonstrated the justice of our objections. Actual experience during the period between adoption by the United States and rejection by Canada in the lowering of our prices and the early rise after Canadian rejection confirmed those objections, and no man in that part of our country will advocate reviving the pact under any circumstances. When it opened our ports it took away our shield. When it opened Canadian ports it gave; however inadequate, a sword.

The first concrete legislative declaration against the Northwest came from the Democratic caucus in its so-called "farmers' free-list bill." That bill provided that a few articles, such as salt, lumber, leather goods, and machinery, should be admitted at our ports free of duty. These were used to support the name "farmers' free list," while in the middle of the bill was couched the joker, "meats and cereals," which represent nearly all the finished products of the northwestern soil and toil. Salt, lumber, and leather goods were but the gilding of the counterfeit which the Ways and Means Committee handed to the Northwest. The average rate of duty now on these articles conceded to the farmer averaged about the same as the duty upon farm products whether in the form of finished meats and cereals or in the coarser condition.

It is one of the large facts of commerce concerning which statistics are eloquent that grain shipments are relatively decreasing, while the same material in meal, flour, and so forth, are relatively increasing in international changes. The same is true in meats. Shipments of meat on foot have decreased in international shipment.

So the farmer was offered a free nickel for a silver piece varying from a quarter to a dollar. Because it is a matter of common knowledge that the farmer of the Northwest who is making money has from 5 to 20 times as much meats and cereals to sell as he has salt, lumber, and leather goods to buy. And the farmer who has no more than 5 times as much of the former to sell as he has to buy of the latter is on a mad gallop to bankruptcy or the poor house. The farmers of the Northwest resented the insult to their intelligence more than the vain effort to remove the tariff. They had no reason to expect the one, but had been warned against the latter. No farmer ever suggested such a freak of legislation, and few fail to see its fallacy. One farmer in my district, having examined the bill, said, "That bunch must have taken a pointer from old man Jones." You know Newcomb married his daughter and, as a wedding present, he deeded a house and lot worth $1,000 to the young couple. The pair accepted it, learning a short time thereafter that the deed contained the following clause: "Subject to a mortgage of $5,000, which the grantees herein assume and agree to pay." [Laughter.] Never did Get-rich-quick Wallingford ever hand a victim a more deceptive package.

To test the sincerity of the Ways and Means Committee in their gift to the farmers, western Congressmen introduced separate bills providing for the removal of duties on lumber, salt, leather goods, and so forth, and challenged the committee's attention thereto, but to no avail. They did not propose the farmer should have a favor without inflicting a tenfold burden.

You will recall the bill went to a Republican Senate where they do deliberate on tariff bills. The "Meats and cereals" were removed.

Upon return of the bill to the House the gentleman from New York [Mr. FITZGERALD], August 17, 1911, speaking from his coigne of vantage as chairman of the Appropriation Committee, said:

Coming from the section of the country I do I am vitally interested in having meat and bread and flour coming in free of duty from all the world. (See p. 4025, RECORD.)

To this the chairman of the Ways and Means Committee [Mr. UNDERWOOD] responded:

I will say that there is no man in this House more interested in having meat and flour admitted free than I am.

He further and later said:

There is no clause in this bill that is of more interest to my own *constituency* than the question of free bread and free meat.

To further commit Democratic leadership to this antifarmer policy, Mr. UNDERWOOD, on page 4073 of the RECORD, said:

No; I do not rise to object, but I would like to ask the question if my friend [Mr. HILL of Connecticut] disputes for a moment that every Democrat on the Ways and Means Committee during the consideration of the Payne bill was in favor of free meats?

He thus challenged the country's attention to the then stand of our distinguished Speaker [Mr. CLARK], who was the ranking member of the then minority.

Gov. Eugene N. Foss, the latest convert to Democracy, now in the presidential class, said on the floor of this House on the 21st of May, 1910:

Now, consider all the duties on food products which the people are also demanding shall be removed, the duties especially on grains, cattle, meats, fish, fruits, and vegetables, * * * what reasonable objection can there be from any source to the removal of duties on food products?

By the holy fins of the sacred codfish, does not that presidential candidate know there is a Northwest? [Laughter.]

Not content with committing the present leadership of their party to this antagonistic doctrine, they seek to commit a hoped-for Democratic administration to the same adverse policy. Chairman FITZGERALD, of New York, on August 17, 1911, at page 4082 of the RECORD, said, referring to the amended "Free list":

While this bill would be far preferable to me if it had free meat and free bread from all the world, realizing that such provisions can not be had with a recalcitrant Republican Senate, and knowing that it will be vetoed in any event by a Republican President, I favor its passage in the hope that the people will realize that it is essential that a Democratic victory be had in 1912 in order to give the people the full measure of relief that they demand.

And this, says the RECORD, was followed by "applause on the Democratic side."

What does all this mean? "Coming from the section I do." The immediate section represented in part by the other gentleman from New York [Mr. HARRISON] who forecasted the early incoming of an agricultural schedule.

The immediate section is represented in part by the gentleman from New Jersey [Mr. HUGHES], member of the Ways and Means Committee, who on June 15, 1911, at page 2112, could see nothing unsound in the taxing policies of Henry George, which would place all taxation upon land and make it unprofitable to own real estate. He would have the finished products of the farm put in open competition with the world, and the expenses of the Government to be collected out of the land. Farmers may pay taxes direct and indirect, and if they have been prosperous pay an excise tax; but the grain and live stock grown and raised abroad, reduced to forms of easy shipment, shall enter our ports without bowing to the American flag at the harbor or saying "By your leave" at the customhouse.

Such studied word of authority and formal act set forth the policy of the Democratic majority of this House against the Northwest. "Meats and cereals from all the world"—a brief phrase true; but carried into effect, a severe sentence. To that portion of our country lying north of the Ohio River and west of the upper Mississippi, meats and cereals are directly or indirectly the source of a large per cent of their annual wealth; a large per cent of the meats and cereals of the United States is there produced. Then, to reach the great cities of Boston, New York, Philadelphia, and Baltimore must be carried on an average of about 1,200 miles over land and across one or more mountain ranges.

The seaboard States have a large per cent of the urban population of the country. These States contain largely the mills and factories of the land where millions toil at good wages. The multiplied millions of their products find their best paying, best priced, nearest free market among the farmers of the Northwest. To protect these mills and factories every line of their output is by design or incident protected by tariff placed there by Republican or Democratic Congresses. These meats and cereals are produced on high-priced land with high-priced machinery conducted by high-priced labor.

It is proposed to bring into our ports free of duty meats and cereals "from all the world." To be more specific, the products of Canada, Mexico, Argentina, Chile, Paraguay, Uruguay, Australia, and New Zealand are bidden to come to glut and despoil the home markets. In this they take away our shield, and, refusing to open other markets to us, they deny us a sword.

The coast line of the United States is 4,300 miles. The collective coast lines of these other countries named is 25,468 miles. So that the average distance from field to shipping port in these countries is not more than two-thirds what it is from field to principal points of consumption within the United States. So that when the high rates of land transportation and the low rates upon water are considered, with the Panama Canal finished, the South American and Australasian shippers can lay down their products in New York and Boston at less cost than can the grain and meat producers west of the Mississippi River. This can be readily seen from the following coast-line table of the United States compared with the other countries considered, the rule being that distance to port varies inversely with the length of the coast line.

Area and coast line.

	Area, square miles.	Coast line, nautical miles.
United States	2,974,159	4,300
Brazil	3,291,416	3,700
Argentina	1,139,196	2,140
Chile	292,743	3,043
Uruguay	72,172	330
Paraguay	97,722	None.
Australia	2,974,580	7,800
New Zealand	104,750	2,270
Mexico	767,323	3,160
Canada	3,729,665	3,025
Total outside of United States	12,469,567	25,468

This gives to the United States 692 square miles of area to each nautical mile of coast line, while the average of the other countries is 489 square miles to each nautical mile of coast line. Considering the above and the varying form of coast lines, the distance to port in the United States would be approximately one and one-half times what it averages in these other countries.

The lands of all these countries are cheap. Vast areas in each are Government or State owned, and large stretches are held by speculators. These lands are largely uninclosed, so that pasturage can be had almost for the taking. Brazil's grazing land varies from 11 to 21 cents per acre in the Province of Para. Argentina's grazing lands range from $2 upward, averaging about $11 per acre. Paraguay's grazing land from 4 cents to 24 cents per acre, while its arable land can be purchased for 50 cents per acre. Uruguay's lands vary from $5 upward, averaging about $20.

Taking in account the relative productivity, nearness to seaport, and other considerations, land values in the various countries considered will not average more than from one-tenth to one-fifth of similar lands in the United States. Moreover, the Governments of each country encourage immigration by the establishment of homesteads and the sale of lands on easy terms. To this numerous other advantages and inducements are added. Paraguay not only gives a homestead but pays part of the immigrant's passage, furnishes seed for the first year's crop, exempts personal property from duty at the ports, and exempts his property from local taxation for 10 years.

"Chile of To-day" says, on page 75, that 75,000,000 acres of land fit for grazing are yet untaken, and can be bought for from $2 to $3 per acre, and each acre will graze three to four head of cattle.

Australia has liberal land laws for lease, homestead, or Crown purchase. Team of horses is furnished settlers and cash advanced for necessary improvements. Canada for years has been granting homesteads upon three-year settlement.

WAGES.

The meat and cereal producer of the United States is obliged to pay in wages and maintenance a much higher wage than the average in these competing countries.

The American farmer and cattleman must pay his employee from $20 to $50 per month and furnish him with expensive board, washing, and other privileges. He is entitled to it. From the ranks of the American farm hand has come millions of our best citizens and a large percentage of our soldiers in time of war. He works; he saves. He is strong and healthy. He marries into the families of the community. He rents the land. He then buys his own farm and ultimately pays for it.

All along this course traveled by so many he performs his duties as a citizen, and in his later life we find him the ideal capitalist—the owner of a farm, out of debt, and with something in the bank. He appreciates what he has, because he knows how it was earned. He respects and supports the Government that secured him his opportunity. He has a right and does object to being reduced to the wage and treatment of his competitors in these other countries which run about as follows:

Farmer and herdsmen's wages.

	Per month.
Argentina	$12 to $15
Brazil	12 to 14
Chile	8 to 12
Paraguay	7 to 14

It will be remembered that the maintenance of these countries of the employee is much less than that usually required for the farm hand in the United States.

That these conditions favoring the development of the meat and cereal competition in these other countries as a matter of theory is supported by the crushing facts of commerce is no longer debatable.

RESULT OF FOREGOING CONDITIONS.

I submit table showing cereal production of the United States and competing countries:

Cereals.

	Quantity produced in bushels in certain countries during—		
	1900	1905	1910
United States	[1] 3,519,379,770	[1] 4,519,326,198	[1] 5,143,187,000
Argentina	[2] 157,267,000	[2] 291,453,000	[2] 342,823,000
Chile	[1] 20,000,000	[2] 13,333,000	[2] 21,621,000
Uruguay	[2] 9,926,000	[2] 11,417,000	[2] 14,650,000
Australia	[4] 61,832,000	[1] 75,822,000	[1] 122,228,000
New Zealand	[4] 17,327,000	[1] 26,126,000	[1] 25,156,000
Mexico	[1] 115,162,000	[1] 99,087,000	[1] 209,158,000
Canada	[1] 162,989,000	[1] 417,259,000	[1] 559,060,000
Total outside United States.	544,503,000	934,497,000	1,294,696,000

[1] Corn, wheat, oats, rye, and barley.
[2] Wheat and corn only.
[3] Wheat, corn, and oats.
[4] Corn, wheat, oats, and barley.
[5] Corn, wheat, and barley.

It will be noted from the above that in 10 years production increased—

	Per cent.
In the United States	46
In Argentina	117
In Australia	98
In Canada	243
In all the other countries discussed	137

You will note that if the above table fairly supports our proposition the following one, on exports, would seem to establish it beyond cavil:

Cereals.

	Quantity exported, in bushels, from certain countries during—		
	1900	1905	1910
United States	[1] 448,303,196	[1] 285,054,567	[1] 138,778,137
Argentina	[2] 92,460,623	[2] 203,468,125	[3] 188,772,957
Chile	[2] 1,640,500	[3] 3,376,000	[2] 6,087,624
Uruguay	[2] 2,402,000	[2] 2,266,000	[3] 3,681,774
Australia	[4] 16,843,500	[4] 33,459,500	[4] 38,392,730
New Zealand	[5] 7,929,000	[5] 2,093,000	[5] 1,782,780
Mexico	[6] 20,000	[6] 141,000	[6] 7,705
Canada	[5] 29,386,000	[5] 24,052,500	[2] 55,298,917
Total outside United States	150,681,623	268,856,125	294,024,487

[1] Corn, including corn meal; wheat, including flour; oats, including oatmeal; rye, including rye flour; and barley.
[2] Cereals only, except wheat flour.
[3] Corn, including corn meal; and wheat, including wheat flour.
[4] Oats, wheat, and wheat flour.
[5] Barley, oats, wheat, and wheat flour.
[6] Corn, including corn meal.

It will be noted that United States exports of cereals show a decrease in the last 10 years of 69 per cent. At the same rate in four years we will be upon an importing basis. Mind you, the Panama Canal will be in full operation by that time.

During the same 10 years Argentina increased its exports 104 per cent.

During the same 10 years Chile increased its exports 271 per cent.

During the same 10 years Canada increased its exports 88 per cent.

During the same 10 years all other countries discussed increased their exports 95 per cent.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. SLOAN. If it is a short question.

Mr. MADDEN. To what does the gentleman attribute the falling off of exports of cereals by the United States? Is it because of the increase of population, decrease of the output, or because of the increased exports from other countries of those commodities?

Mr. SLOAN. Those are three factors which contribute to it—our decrease and their increase—and I have submitted a number of tables which will be found useful and instructive in arriving at that conclusion, as I shall proceed to discuss.

And whereas the exports from the United States of cereals in 1900 (448,303,186 bushels) was three times what it was from all these other countries combined (150,681,623 bushels), in 1910 the United States exports (138,778,137 bushels) are less than one-half of these combined countries (294,024,487 bushels).

So within a short time the United States will be furnishing just about what it needs, and will be up against the proposition of the Democratic party opening up the ports of this country to a flood from these vast increasing fields of the South and North.

Mr. MURDOCK. Does the gentleman include flour in cereal exports?

Mr. SLOAN. Certainly; and I discuss that later on in one of these tables. Flour, meat, and so on, mean simply cereals ground. The coarse-grains shipments are decreasing, as the table will show, from year to year from all these countries and the ground product is relatively increasing, just as meats are relatively increasing and live-stock shipments are decreasing.

Argentine alone has outstripped us, exporting 50,000,000 more bushels than the United States. The significance of this situation appears in the further facts that the profitable grain area of the United States has reached its limit while Argentina has reduced to cultivation only 1 acre out of an available 7, and Chile 1 acre out of 5. Again the Bulletin of Agricultural Statistics published at Rome for March shows that Argentina increased its winter-wheat area for the 1911–12 year over the 1910–11, 39 per cent, while Chile increased hers 47 per cent. On the other hand the same authority shows the United States to have decreased its area 1¾ per cent.

Mr. MADDEN. Has the gentleman any figures to show the cost of raising wheat or other cereals in Argentina and Chile as compared with the cost in the United States?

Mr. SLOAN. I have only this. I have given the wages and the prices of land. Those are the two large factors. The other factors, of course, are machinery and the transportation, but I cover the matter of the transportation in this—namely, that they are relatively nearer to the ports than we are, and the nearer they are to the ports the nearer they are to the cheap shipment.

Mr. MADDEN. Has the gentleman anything to show a comparison in the wheat-raising territory of Argentina and Chile?

Mr. SLOAN. I have not the acreage given, but that could be readily deduced from the fact that one has but one-seventh of its available land and the other one-fifth, while we have about reached our limit. Theirs, of course, do not quite come up in yield to ours as one of the factors to be considered.

Mr. KINKEAD of New Jersey. Will the gentleman from Nebraska yield?

Mr. SLOAN. Yes.

Mr. KINKEAD of New Jersey. Do I understand the gentleman correctly when I understand him to state that the rate of wheat production in Canada has decreased?

Mr. SLOAN. This year over last year it has decreased 3 per cent. Of course, that is small, but the point I wanted to make was that these countries down South have increased very largely and that we have apparently reached the limit and have really decreased the last year.

Mr. NORRIS. This decrease in Canada, if the gentleman will permit, is exceptional and not general?

Mr. SLOAN. It is this particular year. I was not claiming that to be true generally of Canada.

Mr. MADDEN. I think as to Canada, her potential wheat fields are vastly in excess of the fields she is cultivating, but in one particular year, for various reasons, there was a decrease. The gentleman does not want to convey the impres-

sion, I presume, that Canada has in any way reached her limit so far as acreage is concerned in the production of wheat?

Mr. SLOAN. No; Canada is one of the countries that may increase her acreage and probably become a more formidable competitor later on.

Mr. MADDEN. Has the gentleman any information which will enable him to say that the price received by the Argentine people for their wheat in the European market is equal to that received by the United States?

Mr. SLOAN. Quality for quality in the European market it meets ours——

Mr. MADDEN. Has the gentleman given any consideration to the fact as to whether there may not be a loss to the shipper of Argentine wheat on account of the fact that they have no boards of trade in which they have the opportunity to hedge against the possible loss that might be caused in the reduction of the price from the day of shipment and the day of arrival in the port on the other side?

Mr. SLOAN. I presume that is true, and I am glad that the gentleman, who lives near to the greatest board of trade in which wheat is handled on earth reminds me of the fact.

To those who opposed the Canadian pact, and I am one of you, let me say in the light of these comparisons and the fact that the exports of Argentina and Chile are three and one-half times the Canadian exports, if you feared and felt the sting of the reciprocity whip, be warned and dread the bite of the "free-list" scorpion. [Applause.]

Mr. LOBECK. Will the gentleman yield?

Mr. SLOAN. Yes.

Mr. LOBECK. Are the climatic and soil conditions better for the raising of wheat and cereals in the Argentine and in Chile than in Canada?

Mr. SLOAN. In some excepted places.

Mr. LOBECK. Better than the United States?

Mr. SLOAN. No; generally I do not think they are. You can not tempt me to say that any place on earth for any purpose is better than the United States or that men are as good, and that is why I want to render the favors unto Americans and keep the handicap on the foreigner. [Applause.]

Mr. LOBECK. I am glad to hear that the gentleman stands by America.

MEATS.

Mr. SLOAN. Every reason for a fair measure of protection upon our cereals applies to our meats, with these additions—the stockman must wait an average of nearly two years while the granger must wait but one for reproduction and turning his money. Again, grain raising operates to deplete the soil, while live stock renews and fertilizes it.

There was a time when tariff distinctions as between live stock on hoof and dressed meats were important. That was before artificial ice making enabled us to ignore both altitude and latitude. By the establishment of packing plants, great and small, through the countries I have discussed in South America and Australasia, with the sea highways of transportation, meats have meant simply the finished products of the farmer's toil.

Export of live stock from the United States decreased in 10 years 31 per cent, while in meats only 24 per cent. Shipments of live stock from Argentina, Australia, Canada, and Mexico, collectively, decreased from 1,207,324 in 1900 to 442,954 in 1910, or 61 per cent. The same group in the same time in meats increased from $41,486,000 to $62,510,183, or 50 per cent. I do not include Uruguay, for the reason that its shipments are simply across the Argentine line for slaughter, thence to be shipped to the consuming markets of the world.

This answers the gentleman's question about the relative shipment of live stock and grains and cereals.

I submit the following table showing the number of live stock convertible into meats:

Meat-producing live stock, 1910.

CATTLE, SHEEP, AND HOGS.

United States	174,078,000
Brazil (estimate)	27,182,000
Argentina	97,912,462
Chile (1908)	6,744,285
Uruguay (1908)	35,120,000
Paraguay (1908)	5,737,960
Australia (1909)	103,466,909
New Zealand	25,499,125
Mexico (1902)	9,283,026
Canada	12,657,119
Total, except United States	323,602,886

I submit also statistics of population for the same countries:

Population, 1910.

United States	91,272,266
Brazil (1908)	21,461,100
Argentina	6,980,000
Chile (1908)	3,302,204
Uruguay	1,094,688
Paraguay (1909)	716,000
Australia	4,374,138
New Zealand (1906)	888,678
Mexico	15,063,207
Canada (1909)	7,185,000
Total, outside of the United States	61,065,015

That while the United States has 30,207,251 more people than the countries discussed, it has less live stock than they. And the other countries have approximately four times as many sheep as the United States. In this connection it may be recalled that when our present agricultural schedule was passed great herds of cattle in South America and sheep in Australia were allowed to run their course of life in one case to be slaughtered for their hides and horns, while in the other they lived to old age, yielding up their annual tribute of wool, then died of old age, their carcasses at death becoming carrion.

I here submit a table of exports of packing-house products of beef, pork, mutton, and veal.

Meats.

PACKING-HOUSE PRODUCTS.

Exported from—	1900	1905	1910
United States	$179,898,782	$170,308,231	$135,959,373
Argentina	11,702,000	30,621,000	33,308,753
Chile			2,538,000
Uruguay	9,837,000	7,427,000	8,309,558
Australia	16,496,000	13,148,000	20,101,416
New Zealand	12,589,000	14,872,000	19,009,013
Mexico			125,298
Canada	13,288,000	16,247,000	8,974,716

Argentina has eight freezing plants and three great packing plants.
Chile has two freezing plants.
Uruguay has 1 cold storage and 33 dried, jerked, and beef extract plants.
Brazil has eight dried beef and extract plants.
Paraguay has one dried beef and one extract plant.

It will be noted that in the last 10 years the exports of the United States have decreased 24 per cent, Canadian exports have decreased 33 per cent, while their three leading competitors have shown an increase as follows:

	Per cent.
Argentina	184
New Zealand	51
Australia	22

Assuming that the same rate of decrease will continue until 1920, and a corresponding increase shall continue in Argentina, then would the latter have equaled the United States in export of meats as it has in the past decade surpassed the United States in cereal exports. That the United States has not already fallen behind Argentina in meat exports is due to our large hog products, in which our southern neighbors thus far have not been able to so successfully compete, although corn and alfalfa, the best pork-making ration, thrive in Argentina. That the Argentina pace is keeping up on beef and we are giving way will be seen from the following table:

Exports to the United Kingdom.

	United States.	Argentina.
	Cwt.	*Cwt.*
1911	174,350	6,176,503
1910	477,147	5,041,180
1909	856,216	4,336,179
1908	1,432,142	3,706,245
1907	2,417,604	2,756,965
1906	2,426,644	2,811,493
1905	2,232,206	2,580,152

That this outcome of our export business may be further certainly forecasted will be seen in the table of areas and population which follows:

Area and population.

	Area, square miles.	1910
United States	2,974,159	91,272,266
Brazil	3,291,416	[1] 21,461,100
Argentina	1,139,196	6,980,000
Chile	292,743	[1] 3,302,204
Uruguay	72,172	1,094,688
Paraguay	97,722	[2] 716,000
Australia	2,974,580	4,374,138
New Zealand	104,750	[3] 888,678
Mexico	767,323	15,063,207
Canada	3,729,665	[2] 7,185,000
Total outside of United States	12,469,567	61,065,015

[1] 1908. [2] 1909. [3] 1903.

It will be seen that there are now in the—

United States, 30.6 persons per square mile.
Brazil, 6.8 persons per square mile.
Argentina, 6.1 persons per square mile.
Chile, 11.2 persons per square mile.
Uruguay, 15.1 persons per square mile.
Paraguay, 7.3 persons per square mile.
Australia, 1.4 persons per square mile.
New Zealand, 8.5 persons per square mile.
Mexico, 19.5 persons per square mile.
Canada, 1.9 persons per square mile.
All other countries discussed average 4.9 persons per square mile.

I submit the following table, showing the areas and population, the number of live stock convertible into meat, and the relation of meat-producing live stock to area and population:

	Area, square miles.	Population, 1910.	Live stock, 1910.	Live stock per person.	Live stock per square mile.
United States	2,974,159	91,272,266	174,078,000	1.9	58.3
Brazil	3,291,416	[1]21,461,100	27,182,000	1.2	8.2
Argentina	1,139,196	6,980,000	97,912,462	14.0	85.9
Chile	292,743	[1]3,303,204	6,744,285	2.0	23.0
Uruguay	72,172	1,094,688	35,120,000	32.0	486.7
Paraguay	97,722	[2]716,000	5,737,960	8.0	58.7
Australia	2,974,580	4,374,138	103,466,909	23.6	34.8
New Zealand	104,750	[3]888,678	25,499,125	28.6	243.4
Mexico	767,323	15,063,207	9,283,026	.6	12.0
Canada	3,729,665	[2]7,185,000	12,657,119	1.7	3.3
Total and averages, except United States	12,469,567	61,065,015	323,602,886	5.3	26.0

[1]1908. [2]1909. [3]1906

Mr. MADDEN. Argentina beef is not as high in price or as high in standard, is it?

Mr. SLOAN. There is nothing raised anywhere, I will say to the gentleman, that equals the American product, whether it is beef, cereals, or men, and I am in favor of taking care of all three of them. [Applause.]

Mr. MADDEN. And the Argentina product has a wider sale in Europe, because it is sold at a lower price?

Mr. SLOAN. Yes. They sell it at a lower price, because they can produce it and carry it more cheaply.

Mr. MADDEN. And another reason why they can sell it at a lower price is that there is no system of inspection in Argentina, and they are not required to adhere to the same standard of meats there that we have here.

Mr. SLOAN. Yes; and that is just another reason why the people of America, who are in favor of pure food, do not want to have an influx of impure products from all those countries pouring into this country, they not having been inspected.

Brazil was the last monarchy on the continent to become a Republic. It is now and will continue to be an empire of wealth, and in the evolution of tariffs and commerce will become one of the largest factors with which our country must deal. It is passing strange that of this nation of rich area, boundless pampas, fertile valleys, mighty rivers, impenetrable forests, rich mineral wealth, and its centuries of civilized history, so meager up-to-date data are available; but from all to which I have had access, including the Congressional Library, Bureau of Statistics, and especially from the Pan American Union, I am convinced that Brazil is one of our most potential commercial rivals.

The great packers of America and the world have looked upon Brazil, called it good, and are making ready to exploit it. The most recent colossal venture of this kind, started by American capitalists, whom I shall not further designate than to say there are financial dragons among them, after whom knights LINDBERGH and HENRY are now in full pursuit. They have a grant of over 5,000,000 acres of land on very easy terms from the Government. Arrangements have been made for high-bred cattle to be shipped there to improve the local breed. Many thousands we understand already roam over this vast ranch with annual food immediately at hand and no shelter required. Their own railways now under construction will lead to the sea, where the products of their own shambles and packing plants in their own ships may be carried whither they will, preferably to American ports if our duties should be removed. To supervise this great undertaking, Murdo McKenzie, the great stockman of the Northwest and until recently the president of the American Live Stock Association, was employed at a salary equal to a king's ransom. While yet he wielded the gavel of his association, in December he spoke, in part, as follows:

The imposition of an import duty on anything produced in this country in effect gives a protection or advantage to the home producers of such commodities by the amount of the tax. Our position is that we want the favors or burdens of this system equitably distributed, and that so long as the present system of raising money for the support of the Government by means of customs duties continues in effect the live-stock industry should receive its share of the favors; that the labor on the farm or ranch is entitled to the same measure of protection as the labor in the factory.

This association also opposed the farmers' free-list bill. * * * That bill placed on the free list meats, cereals and flour, and some manufactured articles, such as agricultural implements, cotton bagging, boots and shoes, certain kinds of leather, and some classes of lumber. The advocates of this bill claimed that it was designed to compensate the farmer for what he might lose by reason of the passage of the Canadian reciprocity bill. Instead of being a remedy, it simply added to the burdens and preferences sought to be placed on the farmers and stockmen. By this bill the important products of the farm and range were placed on the free list. We were compelled to surrender 100 per cent and secure in return free trade in only a few of the manufactured articles we use. Stated in round figures, this bill would cause the farmers and stockmen to lose $100 for every $5 they might gain as compensatory damages. A very good trade for the other fellow! Another reason advanced by the politician for the passage of the free-list bill was that the free admission of meats would serve as a blow to the so-called Packers' Trust. When you consider that the big packers practically control the meat industry in South America, you can form your own opinion as to how much they would be hurt by the free admission of the products they handle.

This question of free meats from Argentina, free cattle from Canada and Mexico, is the most important question that has ever confronted the live-stock industry. I believe this association should at once take proper steps to see that every stockman and farmer throughout the West is fully informed of the disastrous effect that the free admission of meats from South America would have on home prices. * * *

Please remember I am telling this to you as your president. It will be a dead loss to you if the American Congress passes a law admitting free meats from South America. When I leave these shores the chances are I may be on the other side, but so long as I am your president I feel it my duty to inform you of the danger with which you are confronted. If the ports of this country are open to free meat, you can look for prices to be lower here for your live stock. * * *

It is little wonder that the great packers of the United States and their foreign allies have seen a great field for cheap production. They are alive to the cheapened water paths of commerce and have known the American market as the best in the world, where more people eat meat oftener, with better wages with which to pay for it, than any people on earth. But they find that a former Republican Congress, in sympathy with America's producing toilers, saw with the coming years this condition and provided a reasonable protective tariff amounting on the average to a cent and a half per pound on fresh meats and a higher duty on prepared meats. This means that cattle raised and grazed on free or cheap lands, bought perhaps with money advanced by the foreign government, exempt from taxation, tended and slaughtered by cheap labor, shipped by cheap water transportation to our great seaports, shall bow to the American flag, pay its first burden of taxation to the American Government, and that sufficient to make up in part the difference of our high-priced land and well-paid labor over that of the foreign producer. Where, then, will the exploiters of the South American meat and cereal industries go? They will look over the following tariff table of the nations:

Import duties on meats and cereals.

Country.	Fresh meat per pound (about).	Cured or simply prepared meats per pound (about).	Average of cereals per bushel (about).
Austria-Hungary	$0.03	$0.03	$0.211
France	.024	.032	.177
Germany	.035	.039	.245
Belgium	.019	Free.	Free.
Russia	Free.	.021	Free.
Greece	.020	.014	.162
Italy	.010	.022	.196
Spain	.012	.044	.221
Sweden	.009	.064	.198
Canada	.030	.020	.094
Mexico	.022	.033	.229
Argentina	Free.	.109	.195
Brazil	.028	.192	.177
Australia	.040	.060	.194

If the ships carrying their meats and cereals should anchor at a port of Spain, they find the aristocrats of Aragon and Castile, with a pride in and not a contempt for agriculture, demand payment of an average of 2 cents per pound for meat and 22 cents per bushel for cereals.

If their cargoes go to the ports of the second greatest Republic, they will find a French barrier there, to be lifted only on the payment of 2½ cents per pound for meats and 18 cents per bushel for cereals.

Should they seek the cities of the dual kingdom and ask leave to sell to the citizens of Vienna, Budapest, and Prague, they will be informed that the first duty is to the farmers of Austria-Hungary and Bohemia, whom we count among the best farmers of Europe. "If you would sell to our cities, pay first for every pound of meat 3 cents and every bushel of grain 21 cents."

Should they direct their craft to Hamburg or Bremen, they will meet the demand—for every pound of meat you bring in to compete with the German farmer pay 3½ cents, and for every bushel of grain 24½ cents. The government of the Kaiser, where scientific agriculture has reached a high grade, where the importance of home production of foods in time of war as well as peace is recognized, there is no grudge there against the farmer or the herdsman. They would rather favor the toiler of the Fatherland than the descendants of ticket-of-leave men and native women of Australasia.

Should their heavily laden craft bear into the Scandinavian harbors, they will find that progressive and industrious people saying: "You can pass our customhouse upon paying 1 cent per pound for meats and 20 cents per bushel for cereals. If we have any favors to grant they will go to our own industrious sons, who in the short season wrest from a reluctant earth the food for our people. Our favors will be withheld from the Joses, Miguels, and Pedros of South America."

They know, of course, that the ports of the United Kingdom are open, because 78 per cent of their population is urban and a large percentage of the remainder suburban. But the United Kingdom is just one large widely scattered city, and the suburban portions can not feed the citizens. But I note that no British colony which produces meats or cereals as an established industry has free trade therein. Canada has 2½ cents duty per pound on meats and 10 cents per bushel on cereals.

Australia has an average duty on meat of 5 cents per pound and 19 cents per bushel on cereals. So Mother Britain herself, while she has free trade in her own insular isolation, does not even recommend it to her colonies of continental proportions. With longing eyes they look to the American markets; but friends are yet on guard, and the only hope for them is in the change of guard. That proposed guard would surrender to the common commercial enemy. That surrender would mean to the granger the equivalent of a blight which would reduce his wheat yield from 20 to 16 bushels per acre, or to the live-stock man a pestilence carrying away one-fifth of his herd. This proposed policy is one which says: "If we have any favors to extend, we prefer to give them to the Patagonian nomads rather than the United States farm hand, and prefer the Mexican greaser to the American granger." [Applause.]

But more than this, the rising flood of exports from Australasia and South America is already leaping over the tariff wall; and as the floods of the Mississippi recently rose and broke the levee with immense damage, so if our levee were broken vast and desolating effects would follow. Our imports of meats for 1911 amounted to $1,062,777, and the revenue paid the Government amounted to $234,155. Our imports of cereals for 1911 were in value $1,470,006 and the revenue paid $345,916, the total revenue for meats and cereals being $580,071. What reason the majority will give for throwing away this revenue I am waiting to hear.

Coming from the State I do, having no mineral wealth, little fuel, forestry, or water power, I appreciate the gravity of the situation should this declaration of war against the farmers be carried into effect. If this occurs, we will be as helpless against the influx of foreign products as a Colorado Congressman in a Democratic caucus. [Laughter.] The markets of New York, Boston, Philadelphia, and Baltimore will be controlled by South America and Australasia, as London, Liverpool, and Edinburgh are to a large extent now.

To the Northwest now and to the country at large soon this is the largest tariff problem for consideration. Two reasons are assigned for this adverse policy by its supporters:

First. It will not harm the farmer.

Second. The consumer should be favored over the producer.

The first answers itself. The demand of New York City and Birmingham, Ala., for the removal of duties is to reduce the cost to their citizens. If it reduces the cost to the consumer, the producer will have to stand that reduction.

As to the second proposition—"the consumer should be favored." Permit me to ask since when in American history has the man who rises before the dawn, subdues the forest and the sod, risks all against the chance of drought, flood, frost, or pestilence; who through long day, under burning sun, in drenching rain and blinding storm, become entitled to less consideration than the man whose hours are short, shelter is sure, and periodical payment certain in mill or factory?

Why this special concern about the consumer above the producer? I have listened to all the tariff debates of the Sixty-second Congress, and from that side of the House I have failed to hear any utterance receive the approval of that side for the producers of this country; but practically every speech has had for its burden the special benefits which would come from Democratic policies to the consumer. It has sounded as if some great sanctity hallowed the man who eats or otherwise enjoys, paying little regard to the man who toils and produces.

Out in our country Republican and Democrat alike regard it as honorable to produce and creditable to toil. "Everybody works but father"—he is a consumer and the special subject of Democratic solicitude.

When a boy on the farm, under scorching sun, cultivating corn, as the tiring team followed the long rows, their sweat would attract the gadfly, which would press his free-trade proboscis into the tingling skin. I would use my whip with some force and precision, being a protectionist and a producer. My blow was aimed, not alone to stimulate the producing horse but to stop that consumer, the gadfly. Perhaps, like a great many boys, even at that age, I dreamed of a seat with the mighty. To reach it I thought best to stay with the horse. Little did I think that when I did arrive I should find a majority here standing up for the gadfly. [Laughter on the Republican side.]

Of course, among men we like to see consumer and producer in one. But if the world goes forward, its directing and controlling forces must produce more than they consume. Still those who produce less than they consume, or none at all, seem to be the subject of the majority's special concern. Along the highways of the land walk the "American gentlemen," care free and dominion unlimited, the American tramp. The beau ideals of their class. They toil not, neither do they spin, yet Solomon in all his glory was not arrayed just like one of these. This American gentleman is the ultra typical consumer for whom our friends across the aisle are so much concerned and who multiplies so rapidly in Democratic times.

I saw a man the other day who had built up a colossal fortune. I saw, too, his daughter with her diseased duke, whom she had bought at a European bargain counter in preference to a cancerous count. They were spending with lavish hand. Now, strange as it may appear, my prejudice was not in favor of those consumers. She was one of those free traders who liked the foreign article and bought it. She will probably regret rejecting the home-grown article of worth.

Capt. John Smith was one of the first real protectionists. When the aristocratic young gentlemen came to the Virginia colony and announced themselves as consumers and entitled to the special consideration of old Capt. John, he announced good doctrine, "That he who will not work may not eat." His first consideration was toil and production which might be followed by food and enjoyment. After all, the American people have made the greatest strides in the development of their country, and the multiplication of its wealth and its fair distribution among its citizens when its first concern has been to encourage the toiler and producer that they may not only live for the day but that they shall have plenty for the morrow, which plenty shall constantly grow for the use and enjoyment of the generations to come.

To further exalt the consumer, the chairman of the Ways and Means Committee, in his speech on the sugar schedule, elevated the word "belly" to the parliamentary dignity that Jonah gave the same word in the cetacean chapter of Scripture. His proposition is, "He who eats is nobler than he who toils." The paraphrase, I understand, is—they favor a "bulging belly to a bending back." [Laughter.] That may explain why the chairman of the Ways and Means Committee and the gentleman from Colorado [Mr. RUCKER] do not always agree. The latter has frequently dared protest against caucus action and speak and vote in the interest of the producing Northwest.

I certainly have no objection to a neat-fitting belt. It gives certain gentlemen on either side of the House that "of earth earthy appearance." An expansion at the equator and a slight flattening at the poles.

I like to see working Americans well fed, well clad, well housed, with such creature comforts, which might, as their industry warranted, be called luxuries for their æsthetic and physical enjoyment. But I know that none of these can or ought to precede toil of hand or brain. I hope to be pardoned if my interest is first for the straining shoulder and fashioning hand rather than the tickled palate which merely enjoys; rather the brain that studies and conceives than the one which reads and listens to be entertained. If there is to be any rank or aristocracy in this country, let the Lord of Taste be subject to the King of Toil.

Why, then, the majority's attitude toward the granger and herdsman? It may be found in two magic statements: "Coming from the section I do" (FITZGERALD, p. 4025, RECORD), and "There is no clause in this bill that is of more interest to my own constituency" (UNDERWOOD). Of these men, one controls the main gate for revenue outlet, and the other the main door

for its inlet. They speak the voice of New York and Birmingham, Tammany and Dixie, Wall Street and Steel. They have each mistaken the "rumble of his burg for the murmur of the world." More than that, they seem to have impressed that belief on the majority of this House. That belief has been crystallized into caucus action, and we have learned that the dicta of the caucus is the last word to the House. [Applause.]

How was this done? There are Democratic Members from the Northwest. Why did they submit and let this party policy say, "The farmer is entitled to less consideration than the manufacturers; the stockmen shall be reduced to the same basis as the foreign herdsman"? It was the rumble of Birmingham. Its Representative is chairman of the Ways and Means Committee. That committee named every chairman of the House. These chairmen, seated at the head of their great committees, control legislation through the report or suppression of all bills. Therefore the political life of each Member of the majority was more or less at stake.

I looked at the map and noted the latitude and longitude of Birmingham and New York. I then noted latitude and longitude of the 35 leading committee chairmen. I found that 3 were from the section of the gentleman from New York, 31 from the Birmingham section—Missouri, for obvious political reasons, included in this section—and only 1, SHERWOOD, on Pensions [applause], from the great Northwest, where the meats and cereals are largely produced. I looked over this portion of our country and find that out of the 35 ranking Republican Members on these committees 16 came from the meats and cereal section. A new application for the old, once declared sacred, ratio of 16 to 1. We know that on all revenue matters the minority during the Sixty-second Congress has been excluded from the committee room in the make-up of the tariff bills. Does anyone think if those 16 ranking Members had been chairmen instead there would have been brought in a bill so directly levied at the farmers' interests?

This assault was made in the name of the people—pronounced "pee-pul." I was curious to see how much they represented the people. I found, upon investigation, that the chairman of the Ways and Means Committee, according to the returns of 1910, represented a district polling 10,114 votes. The district of Mr. PAYNE, ranking minority member, polled 39,938 votes. This led me to further investigate, and the following table will show at once the location of the various members of the legislative cabinet which holds in its hands the fate of our industries, the electorate they represent, and corresponding facts about the ranking minority members:

Committee.	Chairman and ranking minority member.	State.	Total congressional vote.
Ways and Means	Oscar W. Underwood	Alabama	10,114
	Sereno E. Payne	New York	39,938
Rules	Robt. L. Henry	Texas	7,384
	John Dalzell	Pennsylvania	17,469
Judiciary	Henry B. Clayton	Alabama	9,173
	John A. Sterling	Illinois	31,925
Interstate and Foreign Commerce.	Wm. C. Adamson	Georgia	2,815
	Frederick C. Stevens	Minnesota	33,278
Agriculture	John Lamb	Virginia	5,408
	Gilbert N. Haugen	Iowa	16,928
Banking and Currency	Arsène P. Pujo	Louisiana	8,099
	Edward B. Vreeland	New York	38,882
Merchant Marine and Fisheries.	Joshua F. Alexander	Missouri	34,181
	Wm. C. Greene	Massachusetts	23,910
Military Affairs	James Hay	Virginia	10,038
	Geo. W. Prince	Illinois	35,641
Naval Affairs	Lemuel P. Padgett	Tennessee	22,009
	Geo. Edmund Foss	Illinois	42,226
Post Office and Post Roads	John A. Moon	Tennessee	31,036
	John W. Weeks	Massachusetts	33,733
Coinage, Weights, and Measures.	Thomas W. Hardwick	Georgia	5,749
	Wm. W. Griest	Pennsylvania	17,838
Public Lands	Jos. T. Robinson	Arkansas	5,764
	Frank W. Mondell	Wyoming	37,126
Indian Affairs	John H. Stephens	Texas	19,751
	Charles H. Burke	South Dakota	51,367
Territories	Henry D. Flood	Virginia	5,878
	Wm. H. Draper	New York	39,450
Insular Affairs	Wm. A. Jones	Virginia	5,908
	Martin E. Olmsted	Pennsylvania	34,550
Public Buildings and Grounds.	Morris Sheppard	Texas	10,707
	John E. Andrus	New York	46,602
Education	Asbury F. Lever	South Carolina	4,976
	James F. Burke	Pennsylvania	18,794
Patents	William A. Oldfield	Arkansas	6,184
	Frank D. Currier	New Hampshire	39,399
Pensions	William Richardson	Alabama	8,957
	Ira W. Wood	New Jersey	38,443
Claims	Edward W. Pou	North Carolina	20,838
	William H. Heald	Delaware	44,022
War Claims	Thetus W. Sims	Tennessee	21,768
	Elmer A. Morse	Wisconsin	32,310
District of Columbia	Ben Johnson	Kentucky	30,839
	J. Hampton Moore	Pennsylvania	33,468
Revision of Laws	John T. Watkins	Louisiana	4,244
	Reuben O. Moon	Pennsylvania	21,208
Reform in Civil Service	Hamilton L. Goodwin	North Carolina	15,063
	Frederick H. Gillett	Massachusetts	29,193
Irrigation	William R. Smith	Texas	20,058
	Moses P. Kinkaid	Nebraska	47,084
Immigration and Naturalization.	John L. Burnett	Alabama	18,473
	Augustus P. Gardner	Massachusetts	31,977
Census	William C. Houston	Tennessee	16,867
	Edgar D. Crumpacker	Indiana	55,116
Industrial Arts and Expositions.	J. Thomas Heflin	Alabama	10,058
	William A. Rodenberg	Illinois	46,291
Rivers and Harbors	Stephen M. Sparkman	Florida	12,871
	George P. Lawrence	Massachusetts	28,829
Accounts	James T. Lloyd	Missouri	36,845
	James A. Hughes	West Virginia	46,594
Election of President and Vice President.	William W. Rucker	Missouri	37,910
	Marlin E. Olmsted	Pennsylvania	34,550
Appropriations	John J. Fitzgerald	New York	20,016
	Joseph G. Cannon	Illinois	39,518
Foreign Affairs	William Sulzer	New York	16,351
	David J. Foster	Vermont	27,634
Labor	William B. Wilson	Pennsylvania	26,216
	John J. Gardner	New Jersey	39,776
Invalid Pensions	Isaac R. Sherwood	Ohio	45,609
	Cyrus A. Sulloway	New Hampshire	41,447
Total for 35 committees.			568,257 1,236,526

It will be seen that the average electorate represented by the chairman is 16,236; average represented by the ranking minority member, 35,329; and yet legislation has been enacted day after day in the name of the people. In that name a political fighting machine was formed, the most neatly fitting, close connected, remorseless, and apparently invulnerable since the organization of the old Macedonian Phalanx, directed by the gentleman from Alabama—urbane, admiration-compelling UNDERWOOD. He moves like a form of vitalized steel encased in an armor of velvet. He has earned the sobriquet "Velvet Boss" from his adherents, who are many, and admirers, including all of us. [General applause.]

It will be recalled that the Macedonian Phalanx was invincible so long as its fighting was on a selected plain, but when mountain, river, or forest intervened the joints under charge were broken and it fell into disorder. The separate units became in each other's way. Defeat followed. This political phalanx, selecting its own battle ground, has been powerful, but is now placed upon the rugged, broken ground of concrete action. Its weakness is already apparent and it will go to pieces in the November battle, because levying a tariff war against a great section, where the voters are also the toilers, and where that great industry is the basis of our Nation's life, will not meet the approval of the American electorate.

The gentleman from New York [Mr. LITTLETON], on the 18th of March, at page 4060 of the RECORD, in a matchless peroration, said:

> There has been an effort to array the West against the East and the East against the West. * * * There should be industrial peace between the East and the West. They should mutually cooperate here and elsewhere for the equalization of the burdens of taxation to be borne by the whole country.

The Northwest has not designed to array the West against the East, but, on the contrary, for years we have paid golden tribute to the upbuilding of the East, content with the development of our common country and the indirect benefits accruing to the new and developing West. But we shall insist that if you persist in reversing a policy which has been beneficial to you for decades, you will, I trust, pay us the poor compliment of knowing when our interests are assailed and of having the courage to politically fight for them. I have not suggested any sectionalism. I have merely examined and discussed the location, with pertinent attending facts, to which the two great leaders of the majority in this House made reference and plea.

We take a pardonable pride in the great cities of our east and southern coasts. But we know that a great city is a great evil, and that the constant drift of millions of our best blood from the farms to these cities is not well for those who drift, nor is it well for the country at large. We believe that any step taken to lure the young man or woman from farms to cities is unwise for the Nation. Moreover, the man or men, the faction or party, who, by lowering the commercial standing of the farms below that of other industries, and those who would say to the toilers in shop and mill and factory, we will protect you against equality with foreign labor, but to the farmer, we place you on

an equality with the Patagonian nomad or Australian, and thereby render less attractive farm life and opportunity, is no friend of his countrymen. Our fields are simply open-air factories; the farmer must be an engineer to run his machinery; a scientist to properly seed, cultivate, and garner; and an economist to sell and purchase. This is the people against whom you would discriminate; the people who both vote and work, and in their districts the vote and population have a uniform relation.

On April 17 1912, page 4952 of the RECORD, Hon. ALBERT S. BURLESON, of Texas, chairman of the Democratic caucus, whose district presents an electorate of 10,111 votes, asked leave of the House to have printed in the RECORD a speech delivered by the Hon. JOHN J. FITZGERALD, of New York, delivered recently before the New York State Democratic convention, the purpose being to make a campaign document of it. Said Mr. BURLESON:

I assure the gentlemen that this particular speech will not be buried in the CONGRESSIONAL RECORD, for it is our purpose to circulate it in certain of the United States where the people are in need of enlightenment.

In his speech the gentleman from New York, on page 4953, declared the price of "meats and cereals," among other articles, to have been placed upon unjustifiably high levels. On the same page he says "the free-list bill" was sent to the President slightly modified from the form in which it passed the House. It will be recalled that the slight modification was the removal by the Senate of "meats and cereals."

They tell of a man who went to the river. The next day they found his clothes on the bank and took them to his disconsolate widow, saying, "Here is your husband slightly modified." Thus lightly does the majority in this House treat the almost total product of the farmer's toil.

But we have recently heard that the record of this Congress for constructive legislation would be the platform of this majority in the coming campaign. Nearly all we have been doing has been a practical reenactment of legislation passed by the last House except tariff legislation. In tariff legislation there are two classes: First, modification metals, wool, cotton, chemicals, varying from considerable reduction to cheese paring reduction or increase; second, removal of duties, meats and cerals—sugar. This latter class affects the farmer.

In striking contrast with the majority's attitude, comes the statement of ex-President Roosevelt on March 6, at Minneapolis:

There must be no discrimination against the farmer, no effort to make him pay the entire burden of reduction. His interests must be considered with the same care that is given to the interests of other American citizens. The welfare of the farmer like the welfare of the wageworker is vital to our general welfare, and no tariff system is proper that does not recognize as a fundamental necessity the need of caring for the welfare of both wageworker and farmer.

[Applause.]

This tariff attitude of the Democratic Party explains two insistent public inquiries:

First. Why did the Democratic House change front on the Tariff Board? Second. Why was Baltimore selected as a convention city?

In Congress and out of Congress, up to the time of the January, 1911, banquet at Baltimore, the Tariff Board was approved and supported. Up to that time it was expected to treat all industries on the same basis. It is well known that a Tariff Board can be useful only in determining facts when the raising or lowering of duties are contemplated. If removal of duty is contemplated, the board is useless. Since the large tariff changes from that time contemplated removal of duties from practically all the northwestern products, it was thought to be embarrassing and useless to have a board collecting and collating facts which would show the American farmer and cattleman subject to foreign competition like other lines of industry. Therefore they oppose the further existence of the Tariff Board.

Second. It does not come in the utterance of recognized party authority, but from those within the ranks and who insist upon the right to speak and let well-known facts be their corroboration, telling why the claims of St. Louis and Chicago were rejected for Baltimore. It was because they would rather tempt Providence at Baltimore, that old port where their craft parted midships in 1860, that fatal strand where the repaired wreck foundered under the pilotage of Horace Greeley in 1872, than risk the presence and wrath of a great people against whom they had levied relentless tariff war.

Such is the constructive statesmanship upon which appeal is to be made to the country. Free meats, free cereals, like free silver and other seductive-sounding slogans, will have a summer song's existence soon to be repudiated and forgotten.

The American people, in accepting or rejecting political slogans, will remember the respective party tests: Democracy asks, "How does it sound?" Republicans demand, "Is it sound?" [Applause on the Republican side.]

Mr. SHERWOOD rose.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. SHERWOOD. Mr. Chairman, it does not seem to be understood that the great spirits who framed the Federal Constitution and set the young Republic on its career never intended that the Supreme Court should have power to declare an act of Congress unconstitutional. It was twice proposed in the Constitutional Convention of 1787 to give the Supreme Court this power and it was twice voted down, only two States voting for the proposition. Had this power been given the Supreme Court, the Federal Constitution would never have been ratified. The Constitutional Convention met in secret and the journal of proceedings was kept secret, but a vote to destroy the journal failed. Mr. Madison's copy of the proceedings of that remarkable body was only published nearly a half century after the dissolution of the convention. Virginia was represented in that convention by James Madison, jr., and John Blair. Thomas Jefferson, very unfortunately for this country, was abroad as our minister to France. At no time during the sessions of this convention were more than 12 States represented, and one of these States withdrew from the deliberations. While Pennsylvania had eight representatives in this convention, the State of New York had but one—Alexander Hamilton, who was a dominating force and was largely responsible for the undemocratic features of the Constitution. Hamilton declared for the English form of government, with a hereditary President and a House of Lords. While he failed, he did succeed in incorporating the provisions for a Federal judiciary appointed for life. Jefferson, upon his return from France, took strong ground against a Federal judiciary not elected by the people and beyond the recall of the people.

JEFFERSON'S PREDICTION AND PRESENT CONDITIONS.

Jefferson, conceded to be the greatest constructive statesman of either the eighteenth or nineteenth century, said—I quote from Jefferson:

It has long been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our Federal Government is in the judiciary, an irresponsible body working like gravity by day and night, gaining a little to-day and gaining a little to-morrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped.

Are there not signs everywhere, in the almost universal criticisms of our Federal judges, that the remarkable prophecy of Thomas Jefferson is in grave danger of realization. The present unrest among the people, the general discontent of the industrial classes, and the disposition among the struggling masses to embrace extreme measures and to applaud the noisy agitators of impossible reforms are ominous signs that we must read aright and heed. What is wrong with our courts and judges that an ex-President of the United States, conceded to be one of the most adroit politicians of his generation, is now appealing to the masses for upsetting our whole judicial system? What is wrong with our Federal judges, that a candidate for President for a third term, and the foremost rabble rouser of either the nineteenth or twentieth centuries, is exploiting the startling doctrine of the recall of judicial decisions and of submitting the alternate decision to the people en masse as a court of final resort, and by that shibboleth carrying four of the great States in the Union? Surely this is a lurid danger signal that we must heed.

Let us inquire earnestly, and with an unselfish patriotism, what is the matter with the country? What has caused this all-pervading unrest that is sapping the virile spirit of institutions and sysems grounded in centuries of experience and regarded as sacred and hoary?

It is a condition—an alarming condition—that confronts us. There is a cause for the people's lack of confidence in our Federal judiciary, and it is my purpose to show the basis of this lack of confidence and of this threatening unrest among the masses.

EXPRESSIONS FROM PROMINENT PUBLICATIONS.

In that very conservative periodical, the Bankers Magazine, for March, I find the following editorial, which expresses current opinion. I quote:

The evils of our law courts are every day becoming more and more pronounced. Business men are awakening to the circumstances and the need of radical reform measures. It is an absurd situation when one realizes that cases on file that might be settled with little or no trouble or time can be postponed almost indefinitely, and when we can not even then trust the decisions of our carefully selected judges.

The Toledo Blade of April 30, 1912, the leading Republican journal of northern Ohio, in discussing the recent sentence of an Ohio legislator, says editorially:

Their warped ideas as to justice, their habit of being lenient with the rich man and giving the poor man the limit of the law, their apparent blindness of the contempt they invite, have brought into being one of

the biggest issues with which the country has ever dealt. Who would ever have thought of the recall of judges if judges had not indicated the need of such a policy?

In Collier's Weekly for February Carl Snyder gives a very concise and forcible review of one of the most remarkable cases in the entire history of our jurisprudence. So far as I can learn there has been no case presenting so many glaring judicial inconsistencies:

Five of the six judges constituting the supreme court of the State of Ohio in 1909 disbarred Charles A. Thatcher, an attorney of the city of Toledo.

He was charged with scattering among the voters a seditious libel upon judges running for reelection, among them two of the supreme court judges who afterwards disbarred him.

Their honors held his disbarment necessary "in order to protect themselves from scandal and the public from prejudice."

In 1910 they unanimously refused to reinstate him.

In 1911 Federal Judge Killits, of Toledo, one of President Taft's most recent appointees, for the same reason expelled Mr. Thatcher from the bar of his court. He held the attorney guilty of "such a libel as is made a crime under the law of Ohio."

THE THATCHER CASE.

Let me say here that I have no personal or political interest in Lawyer Thatcher or his case. I have not been asked by Mr. Thatcher, either by voice or letter, directly or indirectly, to speak in his behalf. Were Thatcher charged with being a horse thief, a counterfeiter, or a highway robber, he would be entitled to a trial before an unprejudiced court of competent jurisdiction. I am a friend of Judge Morris, a competent and honest judge, whom Thatcher criticized and opposed. I refer to this case solely in order to show the absolute necessity for courts and judges to observe their own limitations of power, under the Constitution and laws. If courts and judges expect to command the respect and confidence of the people, their official proceedings and judicial edicts must be fair and regular. Lawyer Thatcher's entire life has been a combat. He thus developed very aggressive fighting qualities. From boyhood he had supported himself. By his own efforts he put himself through college and prepared for admission to the bar, where, by 20 years of hard work, he acquired a large and lucrative practice. Thatcher early became identified with the prosecution, rather than with the defense of suits brought by those whom the juggernaut of modern industry had maimed or disabled. Mr. Thatcher was a Republican, but experience led him, finally, to think that corporate interests were actually intrenched in some of the courts, and could not be dislodged without evicting some of the judges. In 1908 he decided to appeal to the people.

Among the judges running for reelection in that year upon the Republican ticket were Messrs. Shauck and Price of the supreme court, and Judge Morris of the local court of common pleas. The latter's friends staked his fortunes upon a drastic sentence which he had just imposed upon the members of a local "trust." This proved him, they said, a fearless, independent, "people's judge," and an enemy of corporate arrogance. His Democratic opponent, who was indorsed by two independent organizations, was advertised, on the other hand, as the nominee of the breweries and the trusts and as the abject creature of a political "boss." Mr. Thatcher opposed the reelection of all the three judges above named. To aid in the campaign against Judges Shauck and Price, of the supreme court, Thatcher circulated a pamphlet, which he called "The Judicial Reform Bulletin." He also reprinted a pamphlet of the Ohio Federation of Labor, Brotherhood of Railroad Trainmen, Brotherhood of Locomotive Engineers, and other railroad labor organizations, rehearsing numerous votes by Supreme Court Judges Shauck and Price in favor of corporate litigants.

I quote a paragraph from this circular:

The various decisions of the Supreme Court have caused the judges of the lower courts to hesitate in rendering decisions favorable to the common people, feeling that their decisions will be reversed when reaching the supreme court of the State.

The "Judicial Reform Bulletin" saw the light about 10 days before election. After the election an informer showed the circular to Judges Shauck and Price and their associates in the antechamber of the Supreme Court of Ohio. These august judges pretended to believe that this informer was acting on behalf of the bar of Lucas County, the home of Lawyer Thatcher. Out of hand the court appointed a committee to prepare and file charges based on the offending publication. Not all the active Republican politicians of Toledo were placed on the committee; neither were all Thatcher's personal enemies appointed. But every member of the committee belonged to one or more of these classes. They sat for six weeks behind closed doors while their zealous brethren brought in sensational "copy" about Thatcher. Thus assisted, the committee finally produced a remarkable document. Curiously enough, the very words and phrases of the old sedition law were dug up to express the enormity of Thatcher's offense. Sedition was droned in over 20 variations, which covered about 84 pages, all loaded with allopathic doses of malignant erudition.

Thus armed, the purifiers of the bar prepared to retaliate upon the vilifier of the bench. Thatcher asked to be tried before a disinterested circuit or common pleas court, in Toledo, and to be spared the hardship and expense of attending over a hundred and twenty-five miles from home, with a suite of witnesses. About 100 Toledo attorneys petitioned the supreme court to transfer the case to a Toledo court. Two of the supreme court judges favored it, for the court was more than two years behind its legitimate work, and the Thatcher case was certain to take, as it did, a week to try. Moreover the State constitution gave that court no power to try disbarment cases. It is strictly an appellate or reviewing court, and it had never before assumed to exercise this jurisdiction and had repeatedly refused to do so. True, there is a statute purported to confer the power, but Thatcher was charged with a criminal libel, and the statute in question sanctioned disbarment for crime *only after the accused had been tried and convicted by a jury.* And I need not add here that if Thatcher had libeled a judge or judges that the Ohio law of libel was available to adequately punish him, either by fine or imprisonment, or both. He is financially responsible. Instead, the prosecuting interest against Thatcher fled from the remedies provided by law to redress and punish the abuses of free speech, and invoked a revenge not authorized by any law. And that by a prejudiced court without original jurisdiction. The votes of two other judges, with those of Shauck and Price, made a bare majority for holding the case. Against the constitution and the statute both, the court set its own "inherent prerogative"—and, of course, prerogative won.

I quote an inherent prerogative from this prejudiced and capricious bunch of Ohio supreme court judges:

They said:

Considering the unsettled state of the law in this State and the peculiar circumstances of this case, we are entirely warranted in exercising jurisdiction without being in any way under obligation to do so in every case which may be brought to our notice.

Thus, inherent prerogative relentlessly scorched Thatcher, while it mercifully screened its scorching rays from others far more culpable. A Republican State senator, a personal friend of one of the judges, and a lawyer, was accused of participating in the loot of a poor man's little patrimony. The local judge (it would seem) was disqualified from disbarring him, inasmuch as the judge later was sentenced to the penitentiary as an accessory. But the Ohio Supreme Court spurned this complaint. The same extenuation could not be pleaded in favor of another small group of lawyers from Mr. Thatcher's home city. They were charged with precisely the same misconduct for which Thatcher was presently to answer. In 1906, in an anonymous campaign sheet, "The Independent Citizen," they had libeled and cartooned a judge, who was then a candidate, as a cringing slave, with an iron collar about his neck, led by an iron chain, and made to bow before a bloated potentate, throned upon a pyramid of money bags. In this case the court shut and bolted the door of its antechamber in the face of the complainants. It refused to permit the accusation even to be filed. It has been claimed that the supreme judges were above all suspicion of partiality in the Thatcher case. They say so themselves. I quote from the court's inadequate pretense:

We have entertained the present case with the intention to be absolutely fair to the judiciary and the public interest on the one side and the respondent on the other, and we believe we have not failed in that regard.

Marvelous judges. They confess taking it for granted from the start that the "judiciary" and the "public interest" were the real adversaries of Charles A. Thatcher. Where else, since the time of Jeffreys, shall we look for judges so impartial as to sit by proxy at the prosecutor's table and in person upon the bench. And where else, since the day of Jeffreys, has inherent prerogative been so vehemently championed.

So Thatcher was brought to face "the judiciary" in its double capacity, including its poor relation, "the public interest." He fled to the sanctuary of the Constitution. He laid hold of the horns of the altar, but all in vain. There stood inherent prerogative, "the guardian of the law as it is," and dragged him out, baited him for six days, then disbarred him for life. One judge voted for a temporary suspension. This would have been the sentence, but Shauck and Price, the two members of the bench whom Thatcher had criticized, were on guard, jealously watching out for "the immaculate judiciary" and "the public interest." They turned the scale in favor of permanent disbarment.

EXERCISED THE RIGHT OF AMERICAN CITIZENSHIP.

Because Thatcher had exercised the right of every American citizen, the right of free speech, he was summarily deprived of his right to earn his living in his chosen profession. Here I quote again from the court:

> The question is not whether his offense might be punished as a contempt or by prosecution for libel, nor in what capacity he was acting. It is whether he has shown himself by lack of appreciation of ethical standards and by unworthy conduct to be no longer worthy of being recognized as an officer of the courts.

Thus under government by inherent prerogative it makes no difference whether criticism of judges be true or false, whether it be libelous or not. The court is justifiable in disbarring a lawyer if his ethical standards are not up to the ideas of the "inherent prerogatives" of a court acting both as judges and prosecutor.

Mr. MURDOCK. If the gentleman will yield right on that point. I understood the gentleman to say that the court had no jurisdiction in that case.

Mr. SHERWOOD. I said so.

Mr. MURDOCK. Was it not possible for Mr. Thatcher to appeal to some higher court?

Mr. SHERWOOD. There is no higher court in Ohio than the supreme court of that State.

Mr. MURDOCK. I understood that this was an intermediate court.

Mr. SHERWOOD. No, it was the Supreme Court of Ohio. He was up to the highest court in the State.

In April, 1911, the Legislature of Ohio, after careful investigation, by an almost unanimous vote of both houses, declared Thatcher professionally and morally fit to practice law, and directed the court of the State to receive him as an attorney. Representative Smith, a prominent lawyer and member of the house judiciary committee, in discussing the Thatcher bill, declared on the floor of the Ohio House of Representatives that a messenger from the supreme court had requested the members of the committee to wait upon that honorable body for the purpose of discussing that bill and another bill requiring the judges to report the grounds of their decisions. The judiciary committee sent word back that they would give the judges a hearing in the committee room as they would any other citizen. Think of the judges of the supreme court of the great State of Ohio assuming original jurisdiction of a disbarment case of a local attorney, who had criticized said judges in a political campaign. Think of these judges sitting in a case in which they were necessarily full of animosity toward the unfortunate victim of their ultrajudicial indignation.

Mr. PROUTY. Will the gentleman yield for a question?

Mr. SHERWOOD. Yes.

Mr. PROUTY. I have some curiosity to know what became of that act of the legislature restoring Thatcher to his right to practice.

Mr. SHERWOOD. It was declared unconstitutional.

Mr. PROUTY. I anticipated that.

Mr. SHERWOOD. I will get to that a little later. As I remarked in opening, this is the most remarkable case in the entire history of jurisprudence in Ohio, including over a century of political life. I doubt if there is a case of like import in the political history of the United States. There is nothing to compare with it in the entire jurisprudence of England. In England to-day, the bar, composed of the barristers, is governed by the general council of the bar. The solicitors are under the discipline of the statutory committee of the Incorporated Law Society. These two bodies occasionally exchange views in matters concerning the relations of the two branches of the profession. Upon complaint against a barrister, the general council of the bar reports its findings with recommendations, perhaps of disbarment in exceptionally serious cases, to the Benchers of the Barrister's Inn, who alone have the power to act, and nearly always follow the recommendation. Disbarment is inflicted only for moral turpitude, amounting usually to crime. The only case in English practice approximating the Thatcher case occurred in Colonial New York 178 years ago.

In 1734 the royal judges of the Province of New York indicted a New York newspaper publisher, Peter Zenger, for libel in criticizing the court. They disbarred his New York attorneys who started in to show the publication was true, and they threatened to disbar any lawyer of New York Province who might venture to defend him. The former student of Gray's Inn, England, although an old man, journeyed to Albany and actually got Zenger acquitted by a jury under the very noses of the royal court. The fame of his achievement spread not only through the colonies but the mother country as well. From this famous case arose the expression "That's a case for a Philadelphia lawyer." Since then there have been no recorded cases like that of Peter Zenger, or approximating it in royal prerogatives, until the unfortunate Thatcher, of Toledo, Ohio, was arraigned before the Supreme Court of Ohio and disbarred. But this is not all that has happened to Thatcher. The next move to ruin Thatcher was to disbar him from practice in the Federal courts.

I quote briefly from a valuable paper in Collier's Weekly entitled "Judicial Tyranny and Judicial Ethics," by Carl Snyder:

JUDICIAL TYRANNY AND JUDICIAL ETHICS.

I opened a late number of the Federal Reporter, and my eye caught the title: "In re Thatcher—Disbarment for Libel." The opinion was by Justice John M. Killits, recently elevated to the Federal bench for the northern district of Ohio by President Taft. It reviewed the case at length, giving the reasons why Charles A. Thatcher, a lawyer of Toledo, should be barred from practice in the Federal courts, as he had already been barred from practice in the State of Ohio. I read through the 46 closely printed pages of this extraordinary document. When I finished I rubbed my eyes and said:

"Am I living in a Republic or in Russia?"

It was not in the least a judicial opinion, but from end to end an insidious ex parte special plea, endeavoring to bolster up what Judge Killits only too plainly believed to be a very weak case as it had been handled by the Ohio Supreme Court. In his attack on the supreme court justices Thatcher had reprinted a carefully drawn and itemized criticism of these two judges which was being disseminated by the Ohio Federation of Labor in cooperation with the Brotherhood of Trainmen and the Brotherhood of Locomotive Engineers. These charges recited case after case decided by these two judges, invariably in favor of the corporations and against the poor defendants, and declared these judges to be unfit for office. It was a presidential year, and the combined attack of Thatcher and the federation failed of its intended effect. Shauck and Price were reelected. But the actions of the Supreme Court of Ohio are not a tenth part as important as the action of Federal Judge Killits. The Ohio Supreme Court is chosen, nominally at least, by the people, and in due course is subject to their wrath. Judge Killits was not chosen by the people but by the President. This judge holds his office for life and is subject to no recall except by a laborious impeachment by the Congress of the United States. Where, gentle reader, do you imagine that this Federal court, "free," as Judge Killits says, "from bias or local prejudice," resided?

Shall you be astonished to open the almanac and read under the list of Federal judges:

For the northern district of Ohio, John M. Killits; address, Toledo, Ohio.

It happens there are two Federal judges for this northern district. Why was not the case brought before Judge Day, who did not live in Toledo, and who, presumably, would have had no interest in putting Thatcher under the ground?

Without going further into the case I wish to point out the four facts which emerge from this effort judicially to dynamite this Toledo insurrecto:

1. There was no move to disbar Thatcher, and apparently no suggestion to disbar him, before his campaign against Morris and the supreme court judges.

2. Neither the Ohio Supreme Court nor the Federal court decision goes so far as to suggest that the libel alone was sufficient ground for disbarment.

3. It is perfectly clear from the opinion of Judge Spear of the Ohio Supreme Court that the other charges trumped up against Thatcher after his assault on the courts afforded no sufficient ground for disbarment. If every collection transaction of attorneys which had been questioned by client or adversary is a sufficient ground for disbarment, how many lawyers would there be left practicing law?

4. It is perfectly clear that if Thatcher had never assailed these judges there would have been no disbarment proceedings.

I leave it to Mr. Hapgood's philosophical pen to moralize upon the effect of proceedings of this sort on the part of bench and bar on a public which is asked to respect our courts.

So much and much more Carl Snyder wrote in Collier's Weekly about this remarkable case. Judge Killits appointed on a new investigating committee three gentlemen of highly respectable character and unimpeachable political orthodoxy, only two of whom were personally hostile to Thatcher. The old charges were there, and then some more. Thatcher's attorney suggested that the gentlemen interested in prosecuting him had contributed money to obtain affidavits against him. The judge, at first, was indignant, but when it developed by the admission of a prosecuting witness that he, with others, had contributed to such a fund, the judge changed his view to the extent that he commended his conduct and refused to permit any inquiry as to whether other witnesses for the committee had done the same. Thatcher, after a trial before Judge Killits and a long and agonizing wait, was disbarred from practice in the Federal courts. It was charged that the influence which secured the recent appointment of Judge Killits were all hostile to Thatcher, and that Judge Killits was prejudiced against him from the start. It was also charged that Judge Killits had decided the case against Thatcher before the hearing occurred, and that he held his decision for months in abeyance in order to prepare plausible arguments and find some mummified precedents to fortify his opinions. Whether these reports are true or groundless I have no basis for an intelligent opinion. It is a delicate and difficult task to give, offhand, the mental and moral status of the average Federal judge. I prefer to let this case rest on the facts as stated by Carl Snyder in Collier's Weekly. He is a disinterested critic.

But this is not all that has happened to Thatcher. The law of the Ohio Legislature restoring Thatcher to the practice of his profession was, on February 12, 1912, declared unconstitutional by a bench of four common pleas judges, sitting in Toledo, one judge (Curtis Johnson) dissenting. This on the ground that the

law of the Legislature of Ohio was legislative usurpation of judicial power.

But this decision has no bearing on the merits of the Thatcher case. It does not touch the question as to Thatcher's lack of ethical ideals as involved in the decision of the Ohio Supreme Court.

Judge Chittenden, one of the common pleas judges in this case, who concurred with the majority, says:

It should be distinctly understood that we are trying no question of the fitness or unfitness of Mr. Thatcher to practice law.

A majority of the judges held against Thatcher on three propositions:

First. The disbarment of Thatcher by the supreme court was a judicial act.

Second. The legislature that passed the law restoring Thatcher exercised judicial functions which belong exclusively to the courts.

Third. In the disbarment of Thatcher the court exercised an inherent function, or a natural attribute of all courts; a function or power not subject to review by the legislature.

In dissenting from these propositions, Judge Johnson claimed:

First. That the supreme court had no jurisdiction in this case, and he proved it by quoting from the constitution of Ohio as follows:

The supreme court possesses original jurisdiction in quo warranto, mandamus, habeas corpus, procedendo, and such other appellate jurisdiction as may be provided by law.

ONE JUDGE DISSENTING.

Judge Johnson dissenting, denied the existence of inherent power in a court created by the Constitution and subject to such legislation as the supreme law-making power may enact.

Let me ask where does the supreme court obtain its inherent prerogatives or inherent power? It does not take a Philadelphia lawyer to understand that whatever power is given this court by the legislature is not inherent power. The claim that the legislature exercised judicial functions in passing a law relieving Thatcher from the unjust decrees of a court that was without jurisdiction in the case, is lacking the element of either equity or justice. As Judge Johnson says:

The legislature may contribute power to the court and may enlarge its jurisdiction.

Hence it necessarily follows that the authority to contribute power to this court must include the right to limit or restrain the power of the court, especially when the court wantonly violates both the letter and spirit of the constitution in assuming jurisdiction of a case, outside and beyond the limitations imposed by the constitution. Judge Johnson held that if the disbarment of Thatcher was an inherent power lodged in the supreme court for its protection, this inherent power could not legally be extended to disbar Thatcher from practice in any other court. To hold that the supreme court can extend its own inherent power to all the other courts of the State is to claim that the supreme court can legislate, by inherent power. This doctrine is odious to law and equity and common sense. [Applause.]

I quote from Judge Johnson:

Each court is a separate and entirely distinct entity. Each is independent and has its sphere of action and existence. Hence the inference is plain that the judgment of the supreme court, acting by virtue of its inherent power, can not control the judgment of the courts of common pleas as to the exercise of their inherent power.

Judge Johnson gives the law in this case as it is, and as it should be, and as it must be, if we are to have a Government where the laws of the supreme lawmaking power are inviolate from the encroachments and usurpations of prejudiced and venal courts.

When the Supreme Court of Ohio assumes jurisdiction in a case inhibited by the constitution, as in the Thatcher case, where is the remedy to correct the outrage, unless it be lodged in the supreme lawmaking power, or the power that the constitution of Ohio lodges in the legislature?

All the judges who decided this case are able, experienced, and honest, and I believe they were without prejudice. But the majority evidently gave too much consideration to "inherent prerogative," and judicial comity, and the exaggerated ego of the supreme court judges.

ANOTHER IMPORTANT CASE.

I refer to another case of continent-wide notoriety that has caused more criticism and aroused more feeling among the industrial classes than any case in the entire history of the Federal jurisprudence of the United States. On December 23, 1908, Samuel Gompers, president of the American Federation of Labor; Frank Morrison, secretary; and John Mitchell, president of the Mine Workers' Union were sentenced to imprisonment by Justice Wright of the Supreme Court of the District of Columbia for contempt of court, upon the charge that they violated the terms of an injunction granted on petition of the Bucks Stove and Range Co. of St. Louis. As this case involves such rank injustice and so much judicial outrage, I propose a brief review of some of its salient judicial atrocities. In pronouncing sentence upon these labor leaders Justice Wright exhibited such a malignant spirit and used such violent language, and showed such alarming symptoms of pathognomonic hysteria that even as cautious and conservative a journal as the New York Evening Post referred to him editorially as exhibiting "an excess of heat, and indulging in turbid rhetoric." The Outlook magazine (this was before the Colonel took charge of the contributing editor's easy chair) assumed a startled attitude, deprecating his lack of judicial poise, remarking "the dignity of language was all manifested by the supposed criminals," referring to Messrs. Gompers, Mitchell, and Morrison.

This ill-tempered judicial harangue occupied two hours and twenty minutes and only ceased when the real culprit on the bench had exhausted his vocabulary of invective; then he emitted the following: "It is the judgment of the court that you, Frank Morrison, be imprisoned in the jail of the District of Columbia for a term of 6 months; you, John Mitchell, for a term of 9 months; you, Samuel Gompers, for a term of 12 months."

HONORED MEN JUDICIALLY PERSECUTED.

These three conservative, honored, and honorable officials of the industrial workers of the United States, all law-abiding, liberty-loving, large-hearted leaders in the uplift movement of the men and women who are doing the world's work, left the presence of this cruel and unjust judge in silence. Samuel Gompers is the ablest and most conservative labor leader in either the United States or Europe. [Applause.] For 30 times he has been elected president of the American Federation of Labor, covering a period of 30 years. All this time he has been constantly in the limelight, and during all these years of his wearing work for the weary workers there has never been even a suspicion against his honesty or his fidelity among the workers. He has always stood for law and order. He has opposed strikes, and has, for the past decade, favored peaceful arbitration. He has opposed arraying labor against capital. He has devoted the best part of his robust life to every humane movement for the moral and physical betterment of his fellow workers. And his broad humanitarianism, his true Christian temper, while under this cruel and unjust sentence is well illustrated in his calm and dignified review of the case. I quote from Samuel Gompers:

The questions involved in this decision are fundamental questions of constitutional liberty. The sentences imposed upon the defendants sink into insignificance when compared with the court's denial of the right of free speech and freedom of the press. If Justice Wright were at all familiar with the history of the labor movement, if he understood its purposes or its ideals, he would have hesitated before exhausting his vocabulary in denouncing those whom he is pleased to characterize as "the throng" and "the rabble." Our much-maligned labor movement is, in the language of Gladstone, "the bulwark of democracy." It has done more than any other agency to raise to a higher standard of life the working people of our country; it has protected the weak and the helpless against the strong and avaricious; it has taken the child from the mine and the mill and the factory; it has liberated the woman from the garret, the sweatshop, and the hovel; it stands for education, for religion, and for morality; it has restrained the impetuous and stayed the violent; it has given courage to the timid and hope to the despondent; it has stood for construction and improvement and against destruction and debasement; it reaches out the right-hand of fellowship to the fair and humane employer; it has stood like a rock against the inconsiderate, the grasping, and the inhumane employer; it stands for law and order, it opposes anarchy and turbulence; it stands for progress, for moderation, and for liberty; it stands for self-respect, for decency, and dignity.

These condemned labor leaders had committed no offense; they had violated no law. They had not even violated the unjust edict of a servile court. Justice Wright gave the sum and substance of this notorious case when he said:

No defense is offered save these: That the injunction, first, infringed the constitutional guaranty of freedom of the press; second, infringed the constitutional guaranty of freedom of speech.

This is all we need to fittingly illustrate the wrong and outrage of the prison sentence of Justice Wright. Let every patriotic citizen contrast the malignant spirit exhibited by this ill-tempered judge with the dignity and courage and fidelity to the best ideals of true Christian citizenship of Samuel Gompers and his associates.

And did Justice Wright give us the law in this case? No. Did he give us the facts? No. He did neither.

The first amendment to the Constitution reads as follows:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the rights of the people peacefully to assemble to petition the Government for redress of grievances.

THE JUDGE AND THE CONSTITUTION.

In commenting on this section Justice Wright said:

So, with respect to the inhibition against abridging the freedom of speech and of the press, the Constitution nowhere confers a right to

speak, to print, or to publish; it guarantees only that, in so far as the Federal Government is concerned, its Congress shall not abridge it, and leaves the subject to the regulation of the several States, where it belongs.

In other words, this judge holds that a sacred right, guaranteed by the Constitution, that the supreme lawmaking power of the United States has no right to even abridge or modify, can be annulled by an inferior Federal judge. He asserts that the guaranteed rights of a citizen, that the supreme lawmaking power has no right to even abridge, "is subject to the regulation of the several States where it belongs," and further, this limber-minded judicial pettifogger says "the Constitution nowhere confers a right to speak, to print, or to publish." It strikes me that any mature citizen with as much gray matter in his cerebrum as a gray goose will understand that when the Constitution inhibits the abridgment of free speech that, by clear implication, it confers a right to speak, to print, or to publish. Justice Wright held in this case that a judge may do by injunction what Congress is prohibited from doing by legislation. Can there be any doctrine more dangerous to individual rights and personal liberty than this? It is an infamous doctrine, and a Federal judge holding such views is, in my judgment, unfit to hold any judicial office. [Applause.]

A leading labor leader, in a well-poised article in the American Federationist, well says:

Apparently with deliberate design to assist in insidiously undermining constitutional rights by judicial usurpation, Justice Wright says that this injunction only "incidentally" prohibits the exercise of free speech and freedom of the press. How can it be "incidental" when the prohibition is absolute and permanent? Unless constitutional rights are secure from "incidental" as well as every other sort of invasion they are not secure at all. If an injunction may be issued prohibiting freedom of speech and of the press for the purpose of protecting an employer's alleged "property rights" in labor, then there is no limit beyond which our judges may not go in destroying the freedom of the press and the freedom of speech.

Holding that a Federal judge, without a hearing under the forms of law, may, by a judicial edict, deprive a citizen of his rights "incidentally," is a convincing proof that Justice Wright has no adequate conception of the constitutional rights of an American citizen, and is therefore a judicial ignoramus; or else he is so full of prejudice and animosity against the labor leaders that he is utterly unfitted to administer impartial justice. Let us now examine the facts. When we learn that neither Samuel Gompers, nor John Mitchell, nor Frank Morrison violated the spirit or purpose of the injunction we get a better understanding of the injustice perpetrated by Justice Wright in his imprisonment sentence. First, let me say the judicially condemned officials of the American Federation of Labor did not initiate the boycott against the Bucks Co. It simply approved the action of one of its affiliated bodies. Hence, if a boycott against a nonunion concern is a crime, the court's action should have been instituted against the union that inaugurated the boycott. Crime by proxy is a new element in our so-called jurisprudence. Take the case against John Mitchell. He was sentenced by Justice Wright because he signed, with full knowledge of its contents, the "urgent appeal" which accompanied the twenty-seven and odd thousand circular letters to the various secretaries, counseling their distribution. This "urgent appeal" and accompanying circular for financial aid to defend this case in court is presumed to have originated in the Norfolk convention of the American Federation of Labor, which was held in November, 1907. The facts are that Mr. Mitchell was not present at the Norfolk convention, did not attend any session of the executive council of the American Federation of Labor, either then or at any subsequent meeting at which the "urgent appeal" was under consideration. Mr. Mitchell did not sign or have knowledge of the preparation or the circulation of the "urgent appeal." Justice Wright knew all these facts and circumstances when he sentenced John Mitchell to imprisonment. He knew that John Mitchell was absolutely innocent of even any attempt to discredit the court's injunction.

Take the case against Samuel Gompers. As soon as the injunction became operative he took the name of the Bucks Range Co. from the "Don't patronize list" in his newspaper organ, and from that time until this the name of the company has not appeared thereon. It is equally true that Secretary Frank Morrison, either by word or deed, in public voice or public print, never violated the injunction. Any lawyer who examines the record of proceedings in this case will become thoroughly convinced that Justice Wright did not sentence Messrs. Gompers, Mitchell, and Morrison to prison because they had violated the injunction, but because they had defended their constitutional rights as American citizens and the rights of the great body of workers whom they represent. In doing this they were compelled to criticize a judge who not only flagrantly violated the Constitution but consigned to a culprit's prison three law-abiding American citizens, innocent of any violation of this drastic order of a prejudiced court.

But there is another phase of this case. Upon appeal to the higher courts the sentences of Justice Wright upon Messrs. Gompers, Mitchell, and Morrison were reversed. The court held that he imposed a criminal sentence in an injunction suit for civil relief. The highest court, after administering Justice Wright a severe rebuke for the course he had pursued and finding an easy way to let him out of his difficulty, intimated that he might, if he thought the dignity of his court had been hurt, begin proceedings on his own initiative. Before the ink on the higher court's order was dry, he appointed a so-called committee to make an investigation as to whether there was reasonable cause to believe that Messrs. Gompers, Mitchell, and Morrison were guilty of contempt of court. And whom did he appoint as this committee to perform the judicial function of ascertaining whether there were good grounds to believe these men guilty of contempt of court? Why, the very attorneys who were the prosecutors in the first case.

The defendants were again haled before Justice Wright, and to give his unwarranted procedure the appearance of regularity, he "invited" the other justices of the Supreme Court of the District of Columbia to sit with him upon the final argument. During the taking of testimony Justice Wright acted in the dual capacity of prosecutor and judge. As examiner he reserved for the full court objections which counsel for the defendants made, and then as judge he peremptorily decided objections made by his prosecuting committee. He was either examiner or court. He certainly could not act in the two capacities at the same time.

The arguments in this case closed March 15, yet Justice Wright up to this hour has not rendered his decision. Under what practice, under what considerations of decency and a fair regard for the honor, the dignity, and the rights of these labor leaders, Gompers, Mitchell, and Morrison, has this modern Jeffereys (without his brains) withheld his decision nearly seven weeks? It is an outrage, a travesty upon justice and fair dealing.

The encroachments of the Federal judiciary, masquerading as the oracles of immutable law, upon time-honored rights guaranteed by organic law, is responsible for a large part of the popular agitation and unrest among the workers. In milder form these outrageous edicts of some of our Federal judges, notoriously Justice Wright, are patterned after the infamous Jeffreys, who voiced the aggressions of the Stuarts, which led to the uprising of the Round Heads under Oliver Cromwell.

Call it evolution or revolution, or what you will, a better and broader estimate of civil rights and duties has taken possession of the American people. It is the revolution of intelligence, based upon the assumption that they who toil and till should share in the harvest; that the workers in mines and mills, in steel and wool and cotton, should have a living wage, and a living wage means more than a living wage for the day. It means a sufficient wage for the men and women who do the world's work and who produce all our wealth and prosperity, to lay by something for the infirmities of age. We have no old-age pension for the workers as they have in the German Empire. In this great Continental Republic we take small interest in the welfare of the worker when his working days are over.

SOME VALUABLE OPINIONS.

I am glad I am not alone in sounding a danger signal on the many and glaring usurpations of our Federal judges. These numerous and drastic injunctions against the workers have aroused much popular indignation and called forth severe criticism from lawyers, jurists, and students of sociology. I quote a few specimens. In October of 1907 Justice Moody, late of the Supreme Court of the United States, said:

I believe in recent years the courts of the United States, as well as the courts of our own Commonwealth (Massachusetts), have gone to the very verge of danger in applying the process of the writ of injunction in disputes between labor and capital.

Hon. Thomas M. Cooley, president of the American Bar Association, said:

Courts with their injunctions, if they heed the fundamental law of the land, can no more hold men to involuntary servitude, for even a single hour, than can overseers with a whip.

Judge M. F. Tuley, of the appellate court of Illinois, used these words:

Such use of injunction by the courts is judicial tyranny, which endangers not only the right of trial by jury, but all the rights and liberties of the citizens.

Gov. Sadler, of Nevada, said:

The tendency at present is to have the courts enforce law by injunction methods, which are subversive of good government and the liberties of the people.

Prof. F. J. Stimson, of Harvard University, one of the greatest legal authorities, in his new work on Federal and State constitutions, after citing many authorities, says:

These are sufficient to establish the general principle that the injunction process and contempt in chancery procedure, as well as chancery jurisdiction itself, is looked on with a logical jealousy in Anglo-Saxon countries as being in derogation of the common law, * * * taking away the jurisdiction of the common-law courts, and depriving the accused of his trial by jury.

Judge John Gibbons, of the circuit court of Illinois, declared that—

In their efforts to regulate or restrain strikes by injunction, they (the courts) are sowing dragons' teeth and blazing the path of revolution.

Why is it that far more consideration is given in England to the rights of the wageworkers than in the United States? Let me quote from a recent law of the British Parliament:

Be it enacted by the King's most excellent majesty and with the consent of the Lords, spiritual and temporal, and the Commons in Parliament assembled by the authority of the same: It shall be lawful for one or more persons, acting on their own behalf, or in behalf of a trades union in contemplation of a trade dispute, to attend peacefully and in a reasonable manner at or near a house or place where a person works or carries on business, if he attend for the purpose of persuading any person to work or to abstain from working.

This in the land of King George, the hereditary successor of George the Third.

How do the patriotic Sons of the American Revolution like the comparison between the English "trade-dispute law" just quoted and the injunction record of our Federal courts, denying even the liberty of free speech to the American worker?

Shall the workers of the United States be compelled to turn for light and hope from democracy under an elective President to democracy across the Atlantic under a hereditary king?

I am not here to condemn all Federal judges, or even a small minority. I am only giving a few terrible examples of unjust and cruel usurpations, where the most vital constitutional guaranties have been ruthlessly invaded.

What recourse have any people, even under a Constitution guaranteeing civil rights to all alike, when they find themselves in the clutches of judges appointed for life, who are deaf to popular appeals for justice and whose official edicts, however cruel and unjust, can not be even modified by the supreme lawmaking power.

Talk about contempt of court of such a court as that presided over by Justice Wright. The only contempt due in this instance is the contempt of all justice-loving citizens for the atrocious edicts of such a court. Since Runnymeade, when the rude farmers of England invested King John in his castle until they had wrested from his grip the great Magna Charta, the safeguard of personal liberty in every land has been the alertness of the common people, jealous of their inborn rights.

I am not for the recall of judicial decisions. That is revolution. I am for evolution and progress, under proper legal remedies, as provided in the Constitution.

Article 3 section 1 of the Constitution reads as follows:

The judges, both of the supreme and inferior courts, shall hold their offices during good behavior.

The question of good behavior is an ethical question and not a legal question. And I am willing to submit that question, not to the idlers in the courthouse yard, but to the sober judgment of all the people.

In conclusion I repeat what I had the temerity to say on this floor on January 25, 1911.

The best thought of the best thinkers is that in a republic with a written constitution, guaranteeing to every citizen a free expression of opinion on all current topics, there should be no public official—executive, legislative, or judicial—who is above removal or recall of the people. The remedy (and it is far more important and vital than the election of United States Senators) is an amendment to the Constitution providing for the election of all judges by the people, with limited terms of service. This is our supreme patriotic duty, as it involves the perpetuity and safety of our cherished free institutions. [Applause.]

Mr. GILLETT. Mr. Chairman, I feel somewhat modest in venturing to say a word about the bill itself and to keep this vast audience here at this late hour, but I suppose I ought to express the fact that the minority does not concur in all the provisions of this bill. I am happy to say, however, as to the chairman of the subcommittee having charge of the bill for the first time [Mr. JOHNSON of South Carolina] that while there are many features of the bill to which I disagree, the gentleman from South Carolina has brought to the consideration of it prodigious industry, unfailing patience, and courtesy, and I have no question that in all his tedious investigations he has ever had before him the purpose of improving the administration of the Government. My only criticism is that I do not think the results correspond entirely with his wishes. He has had, and the committee have had, it seems to me, such a rage for economy that they have fallen into parsimony. I think they have gone too far in cutting down the force here in Washington and in absolutely refusing to make increases either in force or in salaries; but I do not desire to discuss the important features of the bill now.

There is the question of the Commerce Court, the Bureau of Manufactures, the tenure of office of civil employees, all matters of great importance, in which I differ from the opinions of the majority.

But the chairman has indicated that when these matters come up liberal allowance will be given under the five-minute rule, and I much prefer to discuss them then, when the audience which will vote on them is present. Therefore, Mr. Chairman, I will occupy no more time now. I simply wanted to indicate my position on the bill that there might be no understanding that the committee was unanimous.

Mr. MANN. Mr. Chairman, I desire to submit some remarks.

Mr. JOHNSON of South Carolina. I will yield to the gentleman.

Mr. MANN. I do not ask the gentleman to yield.

Mr. JOHNSON of South Carolina. Does the gentleman from Illinois desire recognition?

Mr. MANN. I do some time, but I want a quorum here when I speak.

Mr. JOHNSON of South Carolina. Does the gentleman want a quorum now?

Mr. MANN. I do if I talk now, but I should prefer to speak to-morrow.

Mr. JOHNSON of South Carolina. Mr. Chairman, the subcommittee having charge of the legislative, executive, and judicial appropriation bill, upon investigation found that in 1898 that bill carried $21,714,566. The amount carried in this bill increased regularly each year, until the present year the appropriation is $36,157,209. If the expenses of the Government were to increase during the next 10 years as they have during the last 10 years, it would be necessary to appropriate $2,000,000,000 a year instead of $2,000,000,000 for each Congress.

The committee believed that the time had come to call a halt. With tremendous momentum it requires an effort to stop. I think that this committee deserves some credit for resisting the importunities that were made upon it to increase the bill over that of the present year.

I wish to say for the minority of the committee who participated in making up the bill that our action was pleasant and harmonious. There are very few items in the bill upon which there was serious difference of opinion. There is only one item in all the bill, perhaps, that can be considered of a partisan character.

Mr. Chairman, a court of equity holds a trustee personally and pecuniarily responsible for any improper use of public funds. We are trustees; we are dealing with the public funds; and while there is no court of chancery before which we can be called upon to account for an unwise or an improper expenditure of the public money, each one of us ought to be honest enough with himself and honest enough with the country to set up in his own bosom a court of conscience, before which questions of the expenditure of public money could be tried.

The newspapers have indicated that the committee have cut remorselessly and mercilessly the salaries of the Government employees. There has been practically no cutting of salaries. I believe that less than a dozen salaries have been cut in this bill out of the 15,000 people that are provided for.

I believe that every salary that has been cut, save one, was cut at the instance of the department in which the salary is paid.

The total appropriations made for the fiscal year 1912 for the objects provided for in the accompanying bill amount to $36,157,209.85, which sum includes $500,000 for the Thirteenth Census, appropriated at the present session in the urgent deficiency act, and also $225,665, the amount expended at the mints during the fiscal year 1911 out of the permanent appropriation for parting and refining bullion, which sum is used by the Treasury in approximating the total appropriations for mints and assay offices for the fiscal year 1912. The permanent appropriation in question is repealed, to take effect at the close of the current fiscal year, and therefore specific appropriations are necessarily made in this bill in its stead for the next year.

The accompanying bill appropriates $33,519,194.06 and makes specific appropriations for 14,877 salaries.

Comparing it with the appropriations for the current year and with the estimates submitted to Congress for the ensuing fiscal year, the following results are shown, namely:

It appropriates $2,638,015.79 less than was appropriated for the same service for the current year.

It appropriates $2,165,153.34 less than was submitted to Congress in the estimates of the departments.

It provides for 406 fewer specific salaries than are appropriated for this year.

It provides for 706 fewer salaries than were recommended in the estimates, or 603 less than were specifically estimated for after deducting the 103 now payable from a general appropriation in the Supervising Architect's office, whose status as to mode of payment is not changed by the bill.

It should also be added that the bill provides for no increase in salaries or rates of compensation for the next fiscal year over those being paid during this fiscal year, except in the one case of a janitor, whose pay was inadvertently reduced the current year to $750 and is now recommended to be restored to $840.

Appropriations for fuel for the Capitol power plant, amounting to $83,000, are omitted from this bill with the purpose of considering and providing for the same in the sundry civil bill, where other expenses of the power plant are provided for. Taking this transferred sum into account, the apparent reduction of the accompanying bill under appropriations is $2,554,615.79.

In addition to the considerable reductions that are specifically recommended in the salary roll of the Government, a general provision, quoted at length at another point in this report, is recommended in the bill, that will prevent the filling of vacancies, except by promotion, occurring in the classified service at Washington during the ensuing fiscal year.

There is also recommended, as quoted elsewhere in this report, a provision requiring the Secretary of War to reorganize the classified service of the War Department, as provided for in the bill, so as to reduce the whole number of the force not less than 10 per cent, the salaries of all places embraced in such reduction to lapse and be covered into the Treasury.

TREASURY REDUCTIONS.

It should be stated, in justice to the Treasury Department, that of the total decrease of 406 existing specific employments proposed by this bill in all of the executive departments 164 of them are in the Treasury Department alone, and practically all of that reduction is made on its initiative in submitting the estimates to Congress at the beginning of this session. It is interesting and important also in this connection to state that during the last Congress, in providing for the Treasury Department for the fiscal years 1911 and 1912, a total reduction was made of 342 salaried places, with annual compensation amounting to $294,140; added to the number diminished in this bill, the total reduction in places in the Treasury Department for the three fiscal years 1911, 1912, and 1913 amounts to 506 specific employments, with annual pay amounting to $501,480.

This represents a reduction for the three years of 14 per cent in the total number of persons employed in the Treasury during the fiscal year 1910, and almost, if not quite, as large a per cent of reduction in the aggregate of salaries paid that year.

As a set-off to this large reduction in annual expenditures for salaries, for the three years there has been appropriated, including amounts in this bill, the sum of $58,970 for labor-saving devices, the use of which will continue over an indefinite period of years, and for material and rental of machines an annual expense is provided for of $76,800. The latter is wholly for the office of the Auditor for the Post Office Department, in which office alone there have been and will be abolished during the three fiscal years 176 places, with total annual salaries amounting to $208,860.

USE OF FIGURES IN EXPRESSING SUMS OF MONEY.

The bill as printed proposes innovations in appropriation legislation by expressing all sums of money in figures instead of spelling them out at length as heretofore, and by grouping, as nearly as possible, all offices or employments by titles or designations and appropriating for them by numbers and rates of compensation, thus avoiding much needless repetition.

The committee have given careful consideration to both of these rather radical departures from long-established custom in methods of legislation, and have taken counsel concerning the same with the Comptroller of the Treasury, the Public Printer, and other officials whose duties bring them into intimate relation with the matter of appropriations and expenditures or who are familiar with the art of printing, and are therefore competent to advise as to the possibility of error in thus expressing the appropriation of money, and have found a general concurrence in the opinion that the proposed changes will facilitate ready comprehension of items in the bill in the course of its detailed consideration in the House; that it will not increase the possibility of errors in engrossment and enrollment; and that it will materially reduce the present great volume of appropriation legislation—an end much to be desired in view of the large bulk and increasing number of volumes required in publishing the laws after the adjournment of each Congress. These innovations, if found practicable and meet with approval by the House and Senate, will, if applied to all appropriation bills, materially reduce the unwieldy bulk of the session laws.

CHANGES IN SPECIFIC EMPLOYMENTS.

The specific changes in the numbers or grades of officers or employees of the Government and their rates of compensation, as compared with the present law and without reference to transfers from one bureau to another, recommended in the bill are as follows:

SENATE.

The bill appropriates for officers, clerks, and other employees in the service of the Senate in the same terms as the law for the current year, except that for certain employees the usual reduction is made growing out of the shorter term of their employment during the ensuing session as compared with the present longer session of Congress; a reduction is made, in accordance with the estimates, of 5 clerks at $2,000 each and 10 stenographers at $1,200 each to Senators who are not chairmen of committees; and a reduction is also recommended of 10 policemen in the Senate Office Building, providing for the same number for that service as is provided for in the House Office Building.

The appropriations of $18,480 for miscellaneous items on account of the Maltby Building, and $3,600 for rent of the warehouse for the storage of public documents for the Senate, are also omitted.

CAPITOL POLICE.

In accordance with the provisions of House joint resolution 75, passed by the House May 26, 1911, a reduction is made in the Capitol police of 1 lieutenant at $1,200 and 34 privates at $1,050 each.

HOUSE OF REPRESENTATIVES.

In accordance with the last apportionment act, provision is made for 42 additional Representatives, at the rate of $7,500 per annum, from March 4, 1913, to June 30, 1913.

In compliance with the resolution of the House, adopted May 9, 1911, the following reduction is made in employees, namely:

1	assistant stenographer to committees	$2,000
1	janitor to official reporters	800
1	janitor to committee stenographers	720
	Under the Clerk:	
1	assistant Journal clerk	2,200
1	index clerk	2,500
1	assistant index clerk	1,700
1	stenographer to Journal clerk	980
1	janitor to index room	840
1	janitor	720
1	printing and bill clerk	2,700
1	notification clerk	2,300
1	distributing clerk	2,250
1	document and bill clerk	2,100
1	resolution and petition clerk	2,000
1	printing and document clerk	2,000
1	assistant enrolling clerk	1,800
1	assistant printing and bill clerk	1,800
1	document clerk	1,900
1	superintendent	1,800
1	special employee	1,580
1	assistant	980
1	telegraph operator	1,400
1	assistant operator	1,400
1	messenger, disbursing office	1,100
1	clerk	1,080
1	page	900
1	assistant, bathroom	1,400
1	laborer, bathroom	900
1	janitor, Clerk's office	840
1	janitor, House library	800
1	janitor, file room	800
1	assistant in Clerk's office	1,600
1	assistant, stationery room	2,000
	Under Sergeant at Arms:	
1	clerk in charge of pairs	1,800
1	assistant bookkeeper	1,200
1	captain of police, House Office Building	1,600
1	lieutenant, police, House Office Building	1,200
5	privates, police, at $1,050 each, House Office Building	5,250
	Under the Doorkeeper:	
1	clerk to Doorkeeper	1,200
1	Assistant Doorkeeper	2,500
2	attendants, old library space, at $1,500 each	3,000
1	chief clerk	2,000
1	clerk	1,600
2	assistant foremen, at $1,200 each	2,400
2	night watchmen, at $720 each	1,440
9	messengers, at $1,180 each	10,620
6	laborers, at $720 each	4,320
1	skilled laborer	820
1	laborer in water-closet	840
69		92,280

Further reductions in compensation and number of employees of the House are recommended in the bill, namely:

3 session clerks to committees, at $6 per day each	$2,160
1 janitor, Committee on Expenditures in the Navy Department	720
2 messengers in the majority and minority caucus rooms, at $1,200 each	2,400
The pay of the department messenger is reduced from $2,250 to $2,000, and provision is made for his appointment by the minority leader of the House	250
6	5,530

Under authority of resolutions of the House, provision is recommended for the following employees:

Office of the Clerk, resolution of May 9, 1911:	
1 chief bill clerk	$3,000
4 assistants to the bill clerk, at $1,500 each	6,000
1 stenographer	1,000
Resolution of February 6, 1912:	
1 janitor to official reporters, during the session	240
7	10,240

LIBRARY OF CONGRESS.

An additional assistant at $1,200 is provided for in the reading room, to take the place of a similar position now carried under the free Public Library of the District of Columbia.

EXECUTIVE OFFICE.

The salary of the Secretary to the President is reduced from $7,500 to $6,000, to take effect on and after March 4, 1913.

DEPARTMENT OF STATE.

Three additional clerks—1 at $1,800, 1 at $1,600, and 1 at $1,000—are provided for; the appropriation of $2,000 for emergency clerical services is omitted, and the lump sum of $25,340, heretofore available for employees in connection with foreign trade relations, is also omitted.

A provision is recommended abolishing the Bureau of Manufactures under the Department of Commerce and Labor, with 27 employees and salaries amounting to $36,600, and transferring the duties of the said bureau to the Department of State.

TREASURY DEPARTMENT.

Office of the chief clerk.—A reduction is recommended of 1 watchman, at $720; 6 charwomen, at $240 each; 5 cabinetmakers, 4 at $1,000 each and 1 at $720; and 1 watchman-fireman, at $720.

An increase is recommended of 1 plumber's assistant at $720, and 3 carpenters, 2 at $1,000 each and 1 at $720.

Division of Bookkeeping and Warrants.—A reduction is recommended of 1 clerk, at $1,200.

Division of Public Moneys.—A reduction is recommended of 1 clerk, at $900.

Division of Loans and Currency.—Certain transfers from the register's office are provided for without change in rate of pay or increase in numbers.

Division of Mails and Files.—A superintendent of mails, at $2,000, instead of a chief of division, at $2,500; a distributing clerk, at $1,400; and 1 document clerk, at $1,000, are provided for.

Reductions are recommended as follows: Four clerks, at $1,400 each; additional to 1 clerk of class 2 in charge of documents, $200; 1 clerk, at $1,200; 6 clerks, at $1,000 each; 2 clerks, at $900 each; 1 assistant messenger, at $720; 1 assistant to document clerk, at $840; and the pay of a mail messenger is reduced from $1,200 to $1,000.

Office of disbursing clerk.—Aside from certain transfers to this office, an increase is recommended of 1 clerk, at $1,800, and 1 clerk, at $1,400.

Office of Supervising Architect.—A reorganization of the force of this office is recommended resulting in a net reduction of 7 employees and $13,740 in the total amount of compensation; no salaries are increased and no new places are created, although some changes in designation are recommended.

A provision is recommended making specific appropriation for 103 employees in this office who are now employed and being paid from the lump appropriation for "General expenses of public buildings" carried in the sundry civil act, their present rate of compensation not being increased or their numbers added to; it is required that specific estimates shall be submitted for these employees for the fiscal year 1913 and annually thereafter.

Office of the Comptroller of the Treasury.—A reduction is recommended of 1 law clerk, at $2,000, and 1 laborer, at $660.

Office of the Auditor for the Treasury Department.—A reduction is made of 1 chief of division, at $2,000; 2 clerks, at $1,200 each; 4 clerks, at $1,000 each; 2 clerks, at $900 each; and 1 laborer, at $660.

Office of the Auditor for the War Department.—A reduction is recommended of 10 clerks, at $1,400 each; 2 clerks, at $1,200 each; 9 clerks, at $1,000 each; and 1 laborer, at $660.

An additional messenger boy, at $480, is recommended.

Office of the Auditor for the Navy Department.—A reduction is made of 1 clerk, at $900.

Office of the Auditor for the Interior Department.—A reduction is recommended of 5 clerks, at $1,200 each, and 5 clerks, at $1,000 each.

Office of the Auditor for State and Other Departments.—A reduction is recommended of 1 clerk, at $900, and 1 laborer, at $660.

Office of the Auditor for the Post Office Department.—A reduction is recommended of 8 clerks, at $1,800 each; 18 clerks, at $1,600 each; 20 clerks, at $1,400 each; 16 clerks, at $1,200 each; 10 money-order assorters, at $660 each; 1 female laborer, at $660; 3 laborers, at $660 each; and 2 charwomen, at $240 each.

Authority is recommended for the necessary employees, with total compensation not exceeding $50,000 during the next fiscal year, to audit the accounts of the postal savings system, the same to be paid out of the appropriation for that system and with the requirement that estimates in detail shall be submitted for this force for the fiscal year 1914 and annually thereafter.

Office of the Treasurer.—A reduction is recommended of 2 chiefs of division, at $2,500 each; 1 assistant chief of division, at $2,250; 1 clerk, at $1,600; 2 clerks, at $1,200 each; 1 clerk, at $1,000; and 2 clerks, at $900 each.

A reduction of 1 clerk, at $700, is recommended in the force of the office employed in redeeming national currency.

A provision is inserted authorizing employment of necessary clerks in connection with the postal savings system at a cost not exceeding $18,000 for the fiscal year 1913, the same to be paid from the appropriation for postal savings system, with the requirement that estimates be submitted in detail for such force for the fiscal year 1914 and annually thereafter.

Bureau of Engraving and Printing.—Provision for a medical and sanitary officer at $2,000 is recommended, and 1 clerk at $780 is omitted.

Secret Service Division.—The salary of the chief is reduced from $4,000 to $3,600.

Office of the Director of the Mint.—A reduction is made of 1 adjuster of accounts at $2,500 and 1 clerk at $1,200.

INDEPENDENT TREASURY.

Office of assistant treasurer at Boston.—The following reductions in pay are recommended: Paying teller from $2,500 to $2,250; 1 clerk at $2,000 instead of 1 assistant paying teller at $2,200; 1 vault clerk from $2,000 to $1,800; 2 specie clerks from $1,650 to $1,600 each; and 3 watchmen from $850 to $840 each.

An additional laborer and guard is recommended at $720.

Office of assistant treasurer at Cincinnati.—An increase is recommended of 2 clerks at $1,300 each.

Office of assistant treasurer at New Orleans.—The pay of receiving teller is reduced from $2,000 to $1,800, and a clerk at $1,400 is recommended instead of a bookkeeper at $1,500.

Office of the assistant treasurer at New York.—The force in this office is reorganized in accordance with the recommendations of the Treasury Department; a reduction is made of 9 in the number of employees and $21,250 is the total pay.

The titles of many of the employees are changed and salaries reduced, as recommended in the estimates, but in no case does any change involve an increase of compensation.

Office of the assistant treasurer at Philadelphia.—The salary of the paying teller is reduced from $2,300 to $2,250, and 1 clerk from $1,200 to $1,000; 1 watchman at $720 is omitted.

Office of the assistant treasurer at St. Louis.—The salaries of 2 clerks are reduced from $1,200 to $1,100 each.

An additional guard is recommended at $720.

Office of the assistant treasurer at San Francisco.—A reduction is recommended in the salaries of 1 bookkeeper from $2,250 to $2,000; the receiving teller from $2,250 to $2,000; and the assistant bookkeeper from $2,000 to $1,800.

MINTS AND ASSAY OFFICES.

A provision is recommended abolishing the coinage mints at San Francisco, New Orleans, and Carson, and the assay offices at Boise, Charlotte, Deadwood, Helena, Seattle, and Salt Lake; the appropriations for the same being omitted, except in the case of the mint at San Francisco, which is provided for as an assay office; the total appropriations for mints and assay offices are reduced from $1,319,755 to $997,700, a decrease of $322,055; the total number of salaries is reduced in the aggregate by 42.

A further provision is inserted abolishing the positions of coiner and melter and refiner in the coinage mints and the assay office at New York, and substituting in their stead super-

intendents of melting and refining and coining departments; and the salaries of the superintendents of the coining departments are reduced from $3,000 to $2,500 each.

GOVERNMENT IN THE TERRITORIES.

The appropriations for expenses of government in the Territories is reduced from $182,650 to $155,150, a decrease of $27,500, and the whole number of salaries in connection therewith is reduced by 18, which reductions are consequent on the admission of New Mexico and Arizona as States.

WAR DEPARTMENT.

Office of the Quartermaster General.—A reduction is made of 1 clerk, at $900; 1 draftsman, at $1,200; and 1 writer of specifications, at $1,200.

Office of the Commissary General.—A reduction is made of 1 clerk, at $900.

Office of the Surgeon General.—A fireman, at $720, is provided for instead of an assistant engineer, at $900.

Office of the Chief of Engineers.—The amount authorized to be used from certain lump appropriations is reduced from $42,000 for 1912 to $40,000 for 1913.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

A reduction is recommended of 9 watchmen, at $720 each.

NAVY DEPARTMENT.

Bureau of Navigation.—A reduction is recommended of two copyists, at $840 each.

Bureau of Equipment.—A clerk at $1,600 is provided for instead of a draftsman at $1,700.

Instead of a general provision authorizing expenditures not exceeding in the aggregate $125,000 for personal services, to be paid out of the general appropriation for "Increase of the Navy" in the Bureaus of Ordnance, Equipment, Steam Engineering, and Construction and Repair, specific provisions are made under each of these bureaus authorizing, during the next fiscal year, expenditures of this character payable from that appropriation in sums not exceeding the amounts actually expended during the last fiscal year, except in the case of the Bureau of Ordnance the sum that may be expended is increased by $7,600.

Hydrographic Office.—Eighteen additional employees, with pay amounting to $20,560, are recommended in order to enable the Hydrographic Office to produce charts from metallic plates by photolithographic processes.

Naval Militia Office.—Provision is made for one chief clerk, at $1,600; one stenographer, at $1,200; and one messenger boy, at $600.

The committee ascertained that the foregoing employees were being paid under authority of a provision carried in the last naval appropriation act and out of the appropriation for "Arming and equipping the Naval Militia."

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.—A reduction is made of 10 watchmen, at $720 each.

Old Post Office Building.—A reduction is recommended of 5 watchmen, at $720 each.

General Land Office.—The salary of the chief of the Division of Surveys is reduced from $2,750 to $2,400.

Indian Office.—It was ascertained by the committee that there are now, and have been for some time past, employed in this bureau a number of persons who are paid from appropriations carried in the Indian appropriation act, and not deeming it wise at this time to bring about a complete reorganization of this office and make permanent provision for such of these employees as might be permanently required, they have recommended legislation requiring detailed estimates to be submitted for the fiscal year 1914 and prohibiting thereafter employment of any personal services in this office other than such as shall have been specifically appropriated for in the legislative, executive, and judicial appropriation acts.

Pension Office.—Reductions are recommended of 1 deputy commissioner, $3,600; 2 engineers, at $1,200 each; 3 firemen, at $720 each; and 8 watchmen, at $720 each.

SURVEYOR GENERAL.

The office of surveyor general of South Dakota, at $2,000, is omitted.

POST OFFICE DEPARTMENT.

Office of the Postmaster General.—A reduction is recommended of 7 watchmen, at $720 each.

DEPARTMENT OF JUSTICE.

A reduction is recommended of 1 Assistant Attorney General, at $5,000, and of six clerks—1 at $1,400, 1 at $1,200, 2 at $1,000 each, and 2 at $900 each—and an assistant attorney, at $3,500, is recommended in lieu of an attorney in charge of titles at that salary.

A provision is recommended requiring that hereafter the administrative audit of all expenditures under the control of the department shall be made in the Division of Accounts of that department.

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary.—A reduction is recommended of 3 clerks—1 at $1,400, 1 at $1,200, and 1 at $1,000.

The appropriation of $60,000 for compensation and expenses of commercial agents is omitted.

Bureau of Manufactures.—The appropriations for this bureau are omitted and a provision is recommended, as heretofore stated, abolishing the same and transferring its duties to the Department of State.

Bureau of Labor.—A reduction is recommended of 1 messenger at $840.

Census Office.—The salaries and expenses of the Census Office have been paid for the current and two past fiscal years out of the lump appropriations made for expenses of taking the Thirteenth Census. That work will be practically completed at the end of the current fiscal year, and accordingly estimates have been submitted in the usual form and in detail for the ensuing fiscal year, and appropriations are recommended in this bill based upon those estimates. Compared with the detailed appropriations for the office for the fiscal year 1909, the accompanying bill provides for 15 fewer positions and $8,520 less in aggregate salaries.

There is also recommended in the bill an appropriation of $120,000 for temporary clerks to complete the work of the Thirteenth Census.

Bureau of Statistics.—A provision is recommended abolishing the Bureau of Statistics and transferring its duties to the Census Office; providing therefor 60 employees with salaries of $69,640, instead of 57 employees now engaged in the Bureau of Statistics, with salaries amounting to $73,650.

Shipping service.—A reduction of the shipping commissioners is recommended as follows: At Bath, $1,000; Gloucester, $600; Honolulu, $1,200; Mobile, $1,200; Norfolk, $1,500; Pascagoula, $300; and Rockland, $1,200. Salaries of commissioners are reduced as follows: New Bedford, from $1,200 to $1,000; New York, from $5,000 to $4,000; Providence, from $1,800 to $1,700; and San Francisco, from $4,000 to $3,600.

The appropriation for clerks in the offices of shipping commissioners is increased from $33,000 to $35,000.

The pay of the janitor in the New York shipping commissioner's office is restored to $840 from $750, to which latter figure it was inadvertently reduced for the current year.

Division of naturalization.—An increase is recommended of 1 clerk, at $1,600.

JUDICIAL.

Circuit judges.—A provision is recommended prohibiting the appointment of additional circuit judges until the whole number shall be reduced to 29, and that thereafter there shall not be more than 29 circuit judges.

District judges.—Two additional district judges, at $6,000 each, are recommended for the States of Arizona and New Mexico, the same having been authorized by law.

Provision for the clerk of the district court for the northern district of Illinois, at $3,000, is omitted.

Commerce Court.—The appropriations for the Commerce Court, including the salaries of four employees, are omitted, and a provision is recommended abolishing the court.

LIMITATIONS.

Limitations with respect to expenditures or legislative provisions within clause 2 of Rule XXI of the House, not heretofore enacted, are recommended as follows:

On page 52:

"On and after March 4, 1913, the salary of the secretary to the President shall be at the rate of $6,000 per annum."

On page 58:

"Members of the Civil Service Commission and its duly authorized representatives are hereafter authorized to administer oaths to witnesses in any matter depending before the Civil Service Commission."

On page 61:

"Section 5 of the act of February 14, 1903, entitled 'An act to establish the Department of Commerce and Labor,' is repealed, and the duties therein prescribed in relation to the promotion and development of the commerce abroad for the manufactured and other products of the United States, including the

gathering, compiling, publishing, and supplying of valuable and useful information in regard to industries and markets abroad, shall hereafter devolve upon the Department of State, under such regulations as the Secretary of State may prescribe, and all laws inconsistent herewith are repealed."

On page 73, with reference to the Supervising Architect's Office:

"For the fiscal year 1914 and annually thereafter specific estimates shall be submitted for salaries for all personal services of the foregoing character required in the Office of the Supervising Architect of the Treasury, and except as appropriations may be made thereunder no such personal services shall be employed in said office at Washington, D. C."

On page 79:

"*Provided*, That the Secretary of the Treasury may, during the fiscal year 1913, in his discretion, diminish the number of positions of the several grades below the grade of clerk at $1,000 per annum in the Office of the Auditor for the Post Office Department and use the unexpended balances of the appropriations for the positions so diminished as a fund to pay, on a piece-rate basis, to be fixed by the Secretary of the Treasury, the compensation of employees engaged in tabulating, by the use of mechanical devices, the accounts and vouchers of the postal service."

On page 80:

"Postal Savings System, audit of the accounts of, office of Auditor for the Post Office Department.—The Secretary of the Treasury may employ such number of clerks and employees of the several classes and at the several rates of compensation recognized by law, and expend such sums for contingent and miscellaneous items, as may be necessary, in his judgment, to audit the accounts of the Postal Savings System in the office of the Auditor for the Post Office Department: *Provided*, That the money required to pay such clerks and employees, and contingent and miscellaneous items, not exceeding $50,000 for the fiscal year 1913, shall be advanced to the Secretary of the Treasury at regular intervals out of any available appropriation for the establishment, maintenance, and extension of postal savings depositories: *Provided further*, That estimates hereunder shall be submitted in detail for the fiscal year 1914 and annually thereafter."

On page 45:

"The Secretary of the Treasury may employ such number of clerks and employees of the several classes and at the several rates of compensation recognized by law, and expend such sums for contingent and miscellaneous items, as may be necessary, in his judgment, to transact the business of the Postal Savings System in the office of the Treasurer of the United States: *Provided*, That the money required to pay such clerks and employees, and contingent and miscellaneous items, not exceeding $18,000 for the fiscal year 1913, shall be advanced to the Secretary of the Treasury at regular intervals out of any available appropriation for the establishment, maintenance, and extension of postal savings depositories: *Provided further*, That estimates hereunder shall be submitted in detail for the fiscal year 1914, and annually thereafter."

On page 56:

"On and after July 1, 1912, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 62."

On page 62:

"All laws or parts of laws authorizing the establishment of coinage mints at San Francisco, Cal.; New Orleans, La.; and Carson, Nev.; and assay offices at Boise, Idaho; Charlotte, N. C.; Deadwood, S. Dak.; Helena, Mont.; Seattle, Wash.; and Salt Lake, Utah, are repealed, to take effect July 1, 1912; but nothing herein shall be construed as abolishing or prohibiting the maintenance of an assay office at San Francisco, Cal.

"The position of coiner, which has heretofore existed in each of the coinage mints, and the position of melter and refiner, which has heretofore existed in each of the coinage mints and in the United States assay office at New York, are hereby abolished, to take effect on and after July 1, 1912, and on and after that date the duties and responsibilities heretofore imposed by law on the officers holding said positions in each of said mints and the assay office shall devolve upon the superintendents of said institutions; and all assistants and employees of the mints and assay offices of the United States shall, from and after July 1, 1912, be appointed by the Secretary of the Treasury."

On page 67:

"On or before the 30th day of June, 1912, the Secretary of War shall cause a reorganization to be made of the clerical and other office force of the War Department, herein provided for, so as to reduce the whole number of said force not less than 10 per cent, and the salaries or compensation of all places herein provided for in said department that may be embraced within such reduction shall not be available for expenditure, but shall lapse and be covered into the Treasury."

On page 186, with reference to the appropriation for the "Naval Militia Office":

* * * "and no other or further sums shall be expended from said appropriation for or on account of said Naval Militia Office; but all other expenses on account thereof shall be paid out of the appropriations for contingent expenses and for printing and binding for the Navy Department, as in the case of other like expenses of that department."

On page 205:

"For the fiscal year 1914, and annually thereafter, estimates in detail shall be submitted for all personal services required in the Indian Office, and after the end of the fiscal year 1913 it shall not be lawful to employ in said office any personal services other than those specifically appropriated for in the legislative, executive, and judicial appropriation acts, except temporary details of field employees for service connected solely with their respective employments."

On page 207:

"No transfers from the Pension Office existing July 1, 1912, shall be returned to said office."

On page 254, in connection with the appropriation for three attorneys at $5,000 each:

* * * "one of whom shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising therefrom in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes." * * *

On page 256:

"The administrative audit of all expenditures under the control of the Department of Justice shall hereafter be made in the division of accounts of that department."

On page 267, in connection with the Census Office:

"In certifying eligibles from the civil-service registers for the purpose of appointment to positions of clerkships in the Census Office, hereinbefore provided for at salaries of $1,200 or less, the Civil Service Commission shall, so far as practicable under the law of apportionment, certify those who have had at least one year's experience in census work."

On page 271:

"The Bureau of Statistics of the Department of Commerce and Labor is abolished, to take effect July 1, 1912, and the duties required by law to be performed by that bureau are transferred to and shall after that date be performed by the Census Office; and the appropriations for contingent expenses, rent, and printing and binding for the Department of Commerce and Labor shall be available for expenditure on account of the Division of Statistics in the Census Office during the fiscal year 1913 to the same extent the same have heretofore been available for expenditure on account of the Bureau of Statistics."

On page 285:

"No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges."

On page 138:

"SEC. 4. That during the fiscal year 1913 no vacancy occurring in the classified service of any executive department or other Government establishment within the District of Columbia shall be filled except by promotion or demotion from among persons employed within the District of Columbia in such department or establishment: *Provided*, That if in the judgment of the President the exigencies of the service require, and he shall so order, transfers may be made during the fiscal year 1913 from among persons employed within the District of Columbia in one executive department or other Government establishment to fill vacancies that may occur in the classified service of another executive department or other Government establishment.

"SEC. 5. That on and after July 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period of six months shall have expired, for terms of five years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine; and the employment of all persons in the classified service of the executive departments within the District of Columbia, at annual rates of

compensation, who were appointed prior to July 1, 1912, shall cease and determine, unless previously separated from the service on the 30th day of June, 1914: *Provided*, That all persons separated hereunder from the classified service shall, if not more than 65 years of age, be eligible for, and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of five years if at the time of such reappointment they shall be up to a fair standard of efficiency and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That nothing herein shall be construed to prevent the head of any department from removing at any time, for good and sufficient cause, any employee of his department: *And provided further*, That no person separated from the classified service under this provision shall directly or indirectly solicit indorsement for reappointment through any member of the legislative department, and any person violating this provision shall be denied reappointment: *And provided further*, That no head of an executive department shall receive or consider from any member of the legislative department any request for the reappointment of any person seeking employment in the classified service, and it shall be considered a violation of law for any member of the legislative department to submit to any executive officer a request for the reappointment of any person in said classified service.

"SEC. 6. That any person violating section 4 of the legislative, executive, and judicial appropriation act approved August 5, 1882 (Stat. L., vol. 22, p. 255), shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not less than $100 or by imprisonment for not less than one month.

"SEC. 7. That in addition to the apportionment required by the so-called antideficiency act, approved February 27, 1906 (Stat. L., vol. 34, p. 49), the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and hereafter there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, D. C., which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus.

"SEC. 8. That no money appropriated by this or any other act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments.

"SEC. 9. That no money appropriated by this or any other act shall be used after the 1st day of October, 1912, for services in any executive department or other Government establishment at Washington, D. C., in the work of addressing, wrapping, mailing, or otherwise dispatching any publication issued by an executive department or other Government establishment at Washington, D. C., or for the purchase of material or supplies to be used in such work; and on and after October 1, 1912, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October 1, 1912, each executive department and other Government establishment at Washington, D. C., shall transfer to the Public Printer such machines, equipment, and material as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment at Washington, D. C., shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, for use in the distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, D. C., wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the 1st day of October, 1912, and their salaries or compensation shall lapse for the remainder of the fiscal year 1913 and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, D. C., in the annual estimates of appropriations."

On page 143:

"SEC. 10. That the Commerce Court is abolished on and after July 1, 1912, and all laws, in so far as they provide for the establishment of said Commerce Court, are repealed. The jurisdiction now vested in the Commerce Court is hereby transferred to and vested in the district courts of the United States. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases then pending in the Commerce Court to said district courts."

This bill contains some important legislative provisions. I believe that when we reach these provisions in the consideration of the bill under the five-minute rule we ought to have liberal debate. Believing that there will be fair debate on these propositions under the five-minute rule, I shall not detain the House at this late hour in discussing them, except to say a few words on the section dealing with the classified service.

The section touching this matter, incorporated in the bill, is clearly subject to the point of order, but it was put in the bill because the committee realized the we were coming to the parting of the ways. There is a great lobby in Washington engaged in the work of endeavoring to induce Congress to pass a civil pension bill.

Mr. HAMILL. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. I will.

Mr. HAMILL. I have introduced a civil-service pension bill, and I wish to say to him I know of no lobby working for it, except an intense, compelling public sentiment that is largely making itself felt on Members of the Legislature.

Mr. JOHNSON of South Carolina. I supposed the gentleman was one of the champions of this extraordinary doctrine, and that he was aware of the fact that a distinguished statesman from Ohio is at the head of a committee which raised $30,000, according to the Washington newspapers.

Mr. HAMILL. May I make this suggestion, not wishing of course to unduly abuse the privilege the gentleman has given me to make an interruption——

Mr. JOHNSON of South Carolina. Certainly.

Mr. HAMILL. That the condition is extraordinary, perhaps, in the sense that it has never before received serious consideration from Congress, but it is not extraordinary in the sense it was in any degree unjust or unfair or that Congress will not in the exercise of its wisdom and intelligence in the near future act upon it, and so I take the liberty of taking direct issue with the gentleman.

Mr. JOHNSON of South Carolina. That is the gentleman's privilege, of course. We have incorporated in this bill a provision that requires people who are appointed to the Government service to be appointed for a specified period of time and they may be reappointed without further examination. But as long as people are appointed to office for life—and there is a propaganda going on that they are treated like slaves and that the Government is acting as if it were a government of barbarous people in not providing for them—I think it would be very well to change our method of appointing people and appoint them for a specified period of time. Let them know that at the end of their term their reappointment depends upon their service and I think we would hear less of our bad treatment.

Mr. HILL. Will the gentleman permit me a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. HILL. If the rule is a good one to apply to the District of Columbia, why is it not equally a good rule to apply to post-office employees and other employees throughout the United States? Understand I do not say I approve the rule, but I wondered why the committee in establishing such a rule for

the District of Columbia only did not go further and make the same rule apply to all Government employees.

Mr. JOHNSON of South Carolina. I will say to the gentleman from Connecticut that, so far as I know, the Government employees outside of the District of Columbia have not been so persistent in their demand for a civil-service pension.

Mr. HILL. Oh, I think the gentleman is mistaken about that—entirely mistaken about it. I think the demand is not only as strong but stronger, and sustained by local influences besides, at home through all branches of the postal service and the other services, and I am not sure I am not in favor of it; I am rather inclined to think I am, rather than have passed drastic measures at this time. Gentlemen, I remember distinctly, if the gentleman will pardon me, in 1895, just before Mr. Cleveland went out of office, with the departments filled with gentlemen of his political faith, they were swept in by thousands under the civil-service law without examination, making them employees for life or during good behavior. It was discussed on the floor here, and I had a resolution drawn at that time requiring that they should take the civil-service examination, an examination which I believed in; but after full consideration and thinking that possibly it might be considered as partisanship, that resolution was not offered, and every one of those thousands of Democratic employees were swept by a Democratic President for life into the Government service. Now, this is directly and radically the opposite to that action. You say that every one of these Republican employees who have been appointed during the last 16 years shall end their terms in July or October of this year. Is not that rather a drastic proposition, in view of the precedent your own President set for you?

Mr. JOHNSON of South Carolina. No; the term of office will expire July 1, 1914.

Mr. HILL. Very well; whenever it is, it is in the near future.

Mr. JOHNSON of South Carolina. They can be reappointed without reexamination.

Mr. HILL. If they are less than 65 years old.

Mr. JOHNSON of South Carolina. Mr. Chairman, so far as I am concerned, I am perfectly willing to have the 65-year age limit stricken out. The committee has no desire to limit the age to any particular number of years. I am willing for any age limit to be stricken out and let a man be reappointed until he is a hundred years old if he is still efficient. This is to bring it to the attention of the House.

Mr. HILL. Well, I think the gentleman has succeeded in that.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. WILLIS. As I understand, one of the objects of the civil-service law is to get these appointments out of politics.

Mr. JOHNSON of South Carolina. Yes.

Mr. WILLIS. Has the gentleman considered in the preparation of his bill the possibility and the probability that by making appointments for five-year periods the very purpose of the civil-service law would thereby be defeated? What does the gentleman think about the possibility of the operation of the law?

Mr. JOHNSON of South Carolina. I do not think it would be defeated, because a man would not come in and go out during the same administration, and at the expiration of the period of five or seven years, whatever the period may be, if we adopt any, if the man at the head of the department should refuse to reappoint he could not have any possible knowledge as to who the successor would be, because he would have to get him through the Civil Service Commission.

Mr. LEVY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. LEVY. Does the gentleman seriously mean to throw these people on the world at the age of 65 years, with no provision for them whatever, and to do that in this age of advancement, when every business corporation and firm is providing for its employees in some way? Does the gentleman mean seriously to throw these people on the world at 65 years of age?

Mr. JOHNSON of South Carolina. I was not aware that every corporation and business firm so provided.

Mr. LEVY. The business firms, nearly all of them, nowadays are providing for their clerks. If they retire them, they retire them with a pension, but here you propose to throw these people absolutely on the charity of the world at 65 years of age. Is that the idea of the bill? I do not think the people of the United States will indorse it.

Mr. JOHNSON of South Carolina. The idea is to bring this matter to the attention of the House.

Mr. Chairman, I belong to a school of people who believe that when the service of a civil employee of the Government ceases his pay should stop. What I say about this bill can not be based upon any ill will toward any human being in the service of the Government. So far as I know them, my relations with them have been pleasant. My feelings for them are of the kindliest, and I wish them well.

My objection, Mr. Chairman, is not personal, but to my mind there is involved in this legislation a fundamental principle. If the Congress is ready to embark on that wide and unfathomed sea, well and good; but I believe that every feature of this question ought to be thoroughly discussed before we undertake such a system.

A bill that is now pending provides for the retirement of the departmental clerks at the ages of 65 and 70 years. I want to say to the members of this committee that if you pass a law that allows the clerks of the departments here in Washington to retire on a pension, there is no argument that can be made in their behalf that can not be made for other employees of the Government. When you shall have provided that the departmental clerks may retire upon annuities, what will you do with the men who belong to the Life-Saving Service, whose lives are endangered in an effort to save human life, when they knock at the doors of Congress and ask for similar treatment? When you shall have heard the men of the Life-Saving Service and have provided for them in their old age, because of the splendid and meritorious services that they perform, then will come another powerful and worthy class—the railroad postal clerks. They number 17,000 men, who, next to the engineer and fireman, are on the most dangerous part of the train; who, when they go out from their homes for a run, after kissing their wives and children good-by, do not know whether they will come back alive or dead. I say, Mr. Chairman, that if we enter upon this benevolent scheme of taking care of Government employees in their old age, there is no argument that you can make against placing the railway postal clerks on a civil pension list. I undertake to say that if you enter upon the scheme of civil pensions there is not a Congress that can refuse the request of these men.

When you shall have provided for them there will come up from the customhouses of Boston, New York, Philadelphia, Chicago, and San Francisco, and all over the country, a plea that no man can resist: "You have provided for the Government clerks in Washington; you have provided for the Life-Saving Service; you have provided for the railway postal clerks; we have worn out our lives in the service of the Government in these offices." What argument can you make against placing the man who works in the customhouse of New York, or Boston, or San Francisco, or Chicago upon a pension roll after you have placed the department clerks in Washington and other employees there?

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. MANN. The gentleman has been so engaged in the Committee on Appropriations with his necessary and arduous work that I think possibly it has escaped his attention that a bill has already been reported to the House which practically proposes to pay $50 a month to every Government employee who is injured in the service.

Mr. JOHNSON of South Carolina. I did not know that such a bill has been reported to the House. I knew that numerous bills had been introduced.

Mr. MANN. There has been such a bill reported to the House, and it was stated here the other day by the gentleman who introduced the bill that it was the expectation to pass it soon in the House. That statement was made amidst considerable applause among the few who were then present.

Mr. NYE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. NYE. That relates only to liability for injuries received, and that is quite distinct from this idea of pensioning civil employees.

Mr. MANN. As I said, it is for injuries to people who are injured in the service. There is not very much distinction between giving a man a civil pension when the man in injured in the service and in ordinary conditions granting a pension to one who becomes diseased while in the service so that he can not work, or one who becomes old in the service and who has not saved up anything, or to one who for any other reason is unable to earn a livelihood of his own and wants to be supported out of the Federal Treasury. It is only one step from another.

Mr. JOHNSON of South Carolina. When you shall have done all that, Mr. Chairman, then will come the rural letter carriers,

40,000 strong, who go in sunshine and in rain, in mud and in dust, in heat and in cold, and the city letter carriers, who tread the streets in slush and cold and heat, and they will tell you that you have provided for the Government clerks in Washington and elsewhere; that they have worn their lives away in this arduous service, and what will be your answer? There is no argument that you can use against it. If you are filled with the milk of human kindness, if you are possessed of a sense of equity and right, then you must extend these beneficent provisions of law to these great classes.

Mr. HAMILL. Will the gentleman yield to just a question?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. HAMILL. You have described what might possibly happen if we open the door to pensions, but do you see anything so terrible in the picture which you have drawn, considering that this Government of ours never stops to consider the cost of doing what is right?

Mr. JOHNSON of South Carolina. I have considered it a good deal. I am older in years and older in service than the gentleman from New Jersey [Mr. HAMILL], and I remember what he does not remember, namely, how gently they asked for *civil pensions* a few years ago and how bold they are now.

Mr. NORRIS. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. NORRIS. I did not hear the beginning of the gentleman's remarks, I am sorry to say, but it struck me, from what I have heard, that he is assuming that unless we take the action that is proposed in this bill it will necessarily follow that we will have to pension all civil employees. I would like to ask the gentleman if he thinks that is a fair assumption?

Mr. JOHNSON of South Carolina. I believe we have reached that point where we must look forward to doing one or the other.

Mr. NORRIS. Does the gentleman think unless we do take the action proposed in the bill that it will necessarily follow that we must enact a civil-service pension bill?

Mr. JOHNSON of South Carolina. I believe the civil-service pension is inevitable unless you make the term of service in the classified service definite.

Mr. NORRIS. And the bill fixes it at five years?

Mr. JOHNSON of South Carolina. Five years.

Mr. NORRIS. Does not the gentleman think that it will necessarily follow that if we fix five years that most of these positions would go back on the political "pie counter" and become the spoils of office?

Mr. JOHNSON of South Carolina. I hope not. I do not think Congressmen should have any patronage whatever.

Mr. NORRIS. It seems to me that danger would be great, and while I concede with the gentleman that the pension question is a great one, and I perhaps to a great extent would agree with the gentleman in that respect, I am firmly of the belief that the other dilemma will bring more evil vastly than the pension system, even if it should come, which I would not be willing to admit or concede.

Mr. JOHNSON of South Carolina. The gentleman was not here when I began my address. I have stated that the committee is not wedded to the 5-year proposition or the 65-year proposition, or any other age. We simply brought it in in order to get it before the House, and it will be open to discussion and open to amendment.

And, Mr. Chairman, after you shall have provided for all the employees in all the departments, you have simply begun to open Pandora's box. It leads as inevitably as anything can lead to an old-age pension; and why not?

Mr. BOWMAN. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. BOWMAN. Does the gentleman see any objection, in case it is considered necessary to advance the wages of Government employees, to their capitalizing the amount that is necessary to raise their wages as a pension to be given to them after a certain number of years of service or in case of illness? Do you see any objection to that?

Mr. JOHNSON of South Carolina. I have not the slightest objection to the Government paying them good wages and letting them provide a retirement fund like everybody else.

Can not the people who have worn out their lives on the hillsides, in the valleys, in the shops, in the factories, and in the mines in order to provide mankind with comfort and luxuries, say to you: "You have provided for an old age of comfort to all in the Government service; why can you not provide for us?"

The old mother in Israel, whose hands are wrinkled and in whose cheeks are the furrows of trouble, and upon whose head are the frosts of 70 winters, who has toiled out her life in hard, unremunerating work, will hold out her hands in appeal to you, and you must provide for her.

Mr. Chairman, there are people in this country who believe that those who are on the pay rolls of the Government are the favored people of the earth. I have not troubled the appointment clerks in these various departments of the Government, but one day there came to me a man of splendid character, unquestioned integrity, and fine education, whose family I knew and who were my friends. I accompanied him to the District Building in order to solicit a place. He was told in my presence that there were 3,000 applications for the place and not a vacancy. He was told that if they gave him a position it would be at only $900 a year to begin with, and he was then getting $1,100. He said, "Mr. Commissioner, I would take it. I work 14 hours a day. I work on Sunday. I have to live in close proximity to my place of business. If I had a Government position my hours would be less; I could move out a mile or 3 miles and select such a place as I liked. I get no 30 days' leave of absence; I get no sick leave; I get no holidays." He was a pharmacist. He was an educated man, working 14 hours a day in the District of Columbia, with no 30 days' leave of absence, no 30 days' sick leave, no legal holidays, no half holidays in the summer. He thought, and in that thought he will find that the majority of the people in this country agree with him, that those who have Government positions are favored individuals.

There are in every country unfortunate individuals; there are men who are found in their old age in poverty. I hope there is no place on this earth where the civilized and Christian people are not willing to make ample provision for their comfort as they go down the valley of the shadow of death. But I deny that that same human sympathy that would impel us to provide for and take care of the old would justify us in entering upon a system of legislation that would encourage men not to provide for their old age.

I believe in the men who are filled with the milk of human kindness. I believe in the men who love their fellows. Personally I believe that the only satisfaction we get out of life is what we do toward making other people happy; but I think, Mr. Chairman, that as legislators we ought to weigh well the first step in legislation and ascertain the final result.

The President said recently that the great question to be solved in the future was socialism. I do not know whether he used the word "socialism" in its true sense or as a synonym for anarchy. He evidently did not think of it in its true sense, because, if the newspapers print the truth, the President and all his Cabinet are behind this scheme to start a civil pension list in Washington. Well, gentlemen, if that is not socialism I do not know what it is. And the word does not scare me, either. There are a great many things that are socialistic, as we call them, that are mighty good.

I say, and this is all I want to impress upon this House, that before we pass a bill retiring the clerks in the departments at Washington we ought to think about what we are doing. We ought to think whether we are willing to follow it up and provide a pension—they do not call it a pension; they call it a retirement fund or annuity—we ought to follow it up and ask ourselves the question whether we are willing to provide for all the employees of the Government throughout the United States, and then we ought to go one step further and ask if we are willing to provide for the old age of all the people.

The men who never had a seven-hour day, the men who go to the field with the sun and return from the day's work with the falling dew, should be provided for. The poet expressed it a long time ago. It was that way in his day and it is that way yet:

> The plowman homeward plods his weary way
> And leaves the world to darkness and to me.

Those are his hours. That is his service to mankind. Are you willing to provide for him? When the time comes to vote, if you bring your bill here proposing to grant an annuity to the departmental clerks in the city of Washington, I am going to offer an amendment, if I can, that will extend those provisions to every man in the service of the Government. Now, you can do as you please about it. I will vote for that amendment.

Mr. Chairman, the hour is late, and I desire to incorporate in my remarks certain matters in order that the Members may read them in the RECORD and familiarize themselves with the bill. [Applause.]

RECAPITULATION.

The following tabulated statement gives in detail the appropriations for the current fiscal year, the estimates for 1913, and the amounts recommended in the accompanying bill for the fiscal year 1913.

Comparative statement showing the appropriations for 1912, the estimates for 1913, and amounts recommended for 1913.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL, 1913.

Object.	Appropriations for 1912.		Estimates for 1913.		Recommended for 1913.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
SENATE.						
Salaries of Senators	$690,000.00	92	$690,000.00	92	$690,000.00	92
Mileage	47,000.00	.....	47,000.00	.....	47,000.00	.....
Salaries, Vice President's office	7,540.00	4	8,540.00	5	7,540.00	4
Salary, Chaplain	1,200.00	1	1,200.00	1	1,200.00	1
Salaries, Secretary's office	92,460.00	41	90,080.00	41	88,900.00	41
Salaries, document room	12,520.00	7	12,520.00	7	12,520.00	7
Salaries, annual clerks, and messengers to committees	319,280.00	172	358,580.00	202	318,640.00	172
Salaries, office Sergeant at Arms and Doorkeeper	152,484.00	130	140,364.00	131	148,884.00	130
Senate Office Building, care of	14,700.00	14	14,700.00	14	14,700.00	14
Senate Office Building, police force	19,050.00	18	19,050.00	18	8,550.00	8
Salaries, post office	19,188.00	15	17,300.00	14	17,300.00	14
Salaries, folding room	27,520.00	28	25,360.00	27	25,360.00	27
Salaries, office Superintendent of Capitol	28,120.00	23	28,120.00	23	28,120.00	23
Senate Office Building	16,800.00	14	16,800.00	14	16,800.00	14
Salaries, annual clerks to Senators who are not chairmen of committees (including, for 1912, $10,000 in deficiency act)	80,000.00	40	70,000.00	35	70,000.00	35
Stenographers to Senators (including, for 1912, $12,000 in deficiency act)	42,000.00	35	30,000.00	25	30,000.00	25
Stationery	16,625.00	.....	17,625.00	.....	16,625.00	.....
Postage	350.00	.....	350.00	.....	350.00	.....
Horses and mail wagons	6,000.00	.....	6,000.00	.....	6,000.00	.....
Material for folding	2,000.00	.....	2,000.00	.....	2,000.00	.....
Folding speeches and pamphlets	2,000.00	.....	6,000.00	.....	2,000.00	.....
Fuel, oil, etc., heating apparatus	45,000.00	.....	5,000.00	.....	.....	.....
Furniture	8,500.00	.....	8,500.00	.....	5,000.00	.....
Materials for furniture	3,000.00	.....	3,000.00	.....	2,000.00	.....
Cleaning furniture	2,000.00	.....	2,000.00	.....	2,000.00	.....
Packing boxes	970.00	.....	970.00	.....	970.00	.....
Miscellaneous items	50,000.00	.....	50,000.00	.....	50,000.00	.....
Miscellaneous items, Maltby Building	18,480.00	.....	17,280.00	.....	.....	.....
Rent of warehouse, storage	3,600.00	.....	3,600.00	.....	.....	.....
Expenses of inquiries and investigations	25,000.00	.....	50,000.00	.....	25,000.00	.....
Reporting debates	30,000.00	.....	30,000.00	.....	30,000.00	.....
Total, Senate	1,783,387.00	634	1,780,939.00	642	1,667,519.00	607
CAPITOL POLICE.						
Salaries	78,150.00	73	78,150.00	73	41,250.00	38
Contingent expenses	300.00	.....	300.00	.....	200.00	.....
Total, Capitol police	78,450.00	73	78,450.00	73	41,450.00	38
Congressional Directory	1,600.00	.....	1,600.00	.....	1,200.00	.....
HOUSE OF REPRESENTATIVES.						
Salaries of Members and Delegates	2,989,500.00	398	3,094,500.00	440	3,099,500.00	440
Mileage	154,000.00	.....	154,000.00	.....	154,000.00	.....
Salaries, Speaker's office	11,640.00	4	11,640.00	4	12,840.00	5
Salary, Chaplain	1,200.00	1	1,200.00	1	1,200.00	1
Salaries, Clerk's office	129,865.00	73	91,970.00	49	91,970.00	49
Salaries, Superintendent of Capitol	40,300.00	34	40,300.00	34	40,300.00	34
Salaries, annual clerks, messengers, and janitors to committees	162,950.00	103	162,950.00	103	162,230.00	102
Salaries, session clerks to committees	11,340.00	9	6,480.00	9	4,320.00	6
Salaries, Sergeant at Arms' office	25,840.00	11	22,840.00	9	22,840.00	9
Police force, House Office Building	19,750.00	18	11,700.00	11	11,700.00	11
Salaries, Doorkeeper's office	192,710.00	198	152,350.00	171	150,900.00	170
Salaries of special employees (including $2,400 for 1912 in deficiency act)	23,339.10	15	23,335.25	15	20,935.25	13
Salaries, post office	32,620.00	30	28,420.00	30	28,420.00	30
Hire of horses and mail wagon	2,500.00	.....	2,500.00	.....	2,500.00	.....
Salaries, official reporters	32,500.00	7	32,500.00	7	32,500.00	7
Janitor	800.00	1	.....	.....	240.00	1
Salaries, committee stenographers	22,000.00	5	20,000.00	4	20,000.00	4
Janitor	720.00	1	.....	.....	.....	.....
Clerk hire, Members and Delegates	598,500.00	.....	618,975.00	.....	618,975.00	.....
Material for folding	10,000.00	.....	10,000.00	.....	10,000.00	.....
Fuel, etc., heating apparatus	38,000.00	.....	38,000.00	.....	.....	.....
Furniture	20,000.00	.....	20,000.00	.....	10,000.00	.....
Packing boxes	3,500.00	.....	3,500.00	.....	3,500.00	.....
Miscellaneous items	75,000.00	.....	75,000.00	.....	75,000.00	.....
Stationery	54,750.00	.....	54,750.00	.....	54,750.00	.....
Postage	1,150.00	.....	1,150.00	.....	1,150.00	.....
Total, House of Representatives	4,654,474.10	908	4,678,060.25	887	4,629,770.25	882
LIBRARY OF CONGRESS.						
Salaries	246,420.00	246	257,200.00	254	247,620.00	247
Salaries, execution of copyright law	95,180.00	86	102,380.00	92	95,180.00	86
Distribution of card indexes	21,800.00	.....	24,500.00	.....	24,500.00	.....
Temporary services	2,000.00	.....	2,000.00	.....	2,000.00	.....
Carrier service in connection with House Office Building	960.00	.....	960.00	.....	960.00	.....
Division for the blind	.....	.....	7,500.00	.....	.....	.....
Sunday opening	10,000.00	.....	10,000.00	.....	10,000.00	.....
Increase of the Library	100,000.00	.....	120,000.00	.....	100,000.00	.....
Contingent expenses	6,800.00	.....	6,800.00	.....	6,800.00	.....
Salaries, care and maintenance of building	71,705.00	121	80,205.00	129	71,705.00	121
Sunday opening, extra services for	2,800.00	.....	3,000.00	.....	2,800.00	.....
Fuel, light, repairs, and supplies	18,000.00	.....	18,000.00	.....	14,000.00	.....
Furniture	20,000.00	.....	15,000.00	.....	5,000.00	.....
Total, Library of Congress	595,665.00	453	647,545.00	475	580,565.00	454
BOTANIC GARDEN.						
Superintendent	1,800.00	1	1,800.00	1	1,800.00	1
Wages and miscellaneous expenses	21,093.75	.....	21,093.75	.....	21,093.75	.....
Total, Botanic Garden	22,893.75	1	22,893.75	1	22,893.75	1

Comparative statement showing the appropriations for 1912, the estimates for 1913, and amounts recommended for 1913—Continued.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL, 1913—continued.

Object.	Appropriations for 1912.		Estimates for 1913.		Recommended for 1913.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
EXECUTIVE.						
Salary, President	$75,000.00	1	$75,000.00	1	$75,000.00	1
Salary, Vice President	12,000.00	1	12,000.00	1	12,000.00	1
Salaries, Executive Office	71,820.00	36	72,540.00	37	71,336.66	36
Contingent expenses	25,000.00		25,000.00		25,000.00	
Total, Executive	183,820.00	38	184,540.00	39	183,336.66	33
CIVIL SERVICE COMMISSION.						
Salaries	204,510.00	154	246,550.00	194	227,230.00	175
Field force	42,560.00	34	44,080.00	33	42,560.00	34
Rural-carrier examining board	22,720.00	21				
Salaries, expert examiners	3,000.00		3,000.00		2,000.00	
Salaries, field examiners			12,000.00	8		
Purchase and maintenance of motor delivery wagon			2,000.00			
Electric conduit and connections			4,000.00		4,000.00	
Traveling expenses	12,000.00		17,000.00		12,000.00	
Total, Civil Service Commission	284,790.00	209	328,630.00	235	287,790.00	209
DEPARTMENT OF STATE.						
Salaries, Secretary's Office	263,800.00	189	272,420.00	193	266,200.00	192
Foreign trade and treaty relations, salaries	100,000.00	25	94,500.00	25	69,160.00	25
Foreign tariffs, collating					10,000.00	
Contingent and miscellaneous expenses	25,500.00		24,780.00		19,000.00	
Purchase of automobile mail wagon			1,000.00		1,000.00	
Rent	3,000.00		11,720.00		9,220.00	
Total, Department of State	392,300.00	214	404,420.00	218	374,580.00	217
TREASURY DEPARTMENT.						
Salaries, Secretary's Office	617,520.00	587	628,680.00	584	619,120.00	584
Stationery	50,000.00		50,000.00		50,000.00	
Postage	1,200.00		1,000.00		1,000.00	
Binding materials (in deficiency act for 1912)	250.00		250.00		250.00	
Newspapers and books	1,000.00		1,500.00		750.00	
Investigation of accounts and records	75,000.00		50,000.00		15,000.00	
Freight, expressage, etc	7,000.00		7,000.00		7,000.00	
Rent of buildings	52,486.00		48,850.00		48,850.00	
Other contingent expenses	73,000.00		71,500.00		69,500.00	
Fire-alarm system	2,166.00		2,166.00		2,166.00	
Electric burglar-alarm device (in sundry civil act for 1912)	720.00		720.00		720.00	
New fire hose and fixtures			1,000.00			
Auditor for Post Office Department, contingent expenses	12,000.00		6,000.00		6,000.00	
Tabulating equipment			81,700.00		81,700.00	
Salaries, Supervising Architect's Office	97,590.00	53	232,720.00	151	83,000.00	46
Authority is recommended for employment during 1913 of 103 additional persons in Architect's Office, payable out of "general expenses, public buildings," in sundry civil act instead of direct appropriation therefor as estimated						
Salaries, Comptroller's Office	76,120.00	40	75,410.00	38	73,460.00	38
Salaries, Office of Auditor for Treasury Department	152,650.00	112	141,790.00	102	141,790.00	102
Salaries, Office of Auditor for War Department	336,750.00	246	312,420.00	225	309,570.00	224
Salaries, Office of Auditor for Navy Department	137,590.00	101	136,690.00	100	136,690.00	100
Salaries, Office of Auditor for Interior Department	156,850.00	113	154,250.00	111	143,250.00	101
Salaries, Office of Auditor for State and Other Departments	118,510.00	82	116,950.00	80	116,950.00	80
Salaries, Office of Auditor for Post Office Department	729,490.00	671	629,620.00	593	629,370.00	593
Salaries, Treasurer's Office	359,440.00	312	345,590.00	303	345,390.00	303
Salaries, reimbursable	221,420.00	216	221,020.00	215	220,720.00	215
Repairs to canceling and cutting machines	200.00		200.00		200.00	
Salaries, Register's Office	70,700.00	57	50,580.00	42	50,580.00	42
Salaries, Office of Comptroller of Currency	142,780.00	107	142,780.00	107	142,780.00	107
Salaries, reimbursable	38,780.00	36	43,460.00	43	38,780.00	36
Expenses, special examinations, and macerating machines	4,800.00		4,800.00		4,800.00	
Salaries, Office Commissioner of Internal Revenue	332,700.00	260	304,740.00	275	332,700.00	260
Withdrawal of denatured alcohol	18,240.00	12			18,240.00	12
Salaries, reimbursable	3,400.00	3	3,400.00	3	3,400.00	3
Salaries, Life-Saving Service	48,120.00	32	48,960.00	33	48,120.00	32
Salaries, Bureau of Engraving and Printing	215,160.00	201	218,160.00	301	216,380.00	301
Salaries, Secret Service Division	16,120.00	9	16,120.00	9	15,720.00	9
Salaries, Office of Director of Mint	29,280.00	16	27,680.00	15	25,580.00	14
Freight on bullion and coin	50,000.00		35,000.00		5,000.00	
Contingent expenses	5,300.00		5,500.00		4,700.00	
Salaries, Office of Surgeon General of Public Health and Marine-Hospital Service	40,980.00	30	41,700.00	31	40,980.00	30
Total, Treasury Department	4,295,312.00	3,396	4,319,906.00	3,361	4,051,056.00	3,232
INTERNAL REVENUE.						
Salaries and expenses of collectors, surveyors, deputies, etc	2,150,000.00		2,250,000.00		2,075,000.00	
Salaries and expenses of agents	2,520,000.00		2,595,000.00		2,565,000.00	
Miscellaneous expenses	100,000.00		100,000.00		75,000.00	
Expenses of collecting corporation tax	100,000.00		175,000.00		150,000.00	
Classifying, indexing, and exhibiting returns of corporations	25,000.00		30,000.00		30,000.00	
Total, Internal Revenue	4,895,000.00		5,150,000.00		4,895,000.00	
INDEPENDENT TREASURY.						
Salaries at Baltimore	34,000.00	24	34,950.00	24	34,000.00	24
Salaries at Boston	46,010.00	31	46,500.00	32	45,950.00	32
Salaries at Chicago (including for 1912 $2,400 in deficiency act)	75,170.00	52	77,230.00	52	75,170.00	52
Salaries at Cincinnati	24,410.00	17	30,360.00	19	27,010.00	19
Salaries at New Orleans	28,890.00	20	30,000.00	20	28,590.00	20
Salaries at New York	206,510.00	130	189,910.00	122	185,200.00	121
Salaries at Philadelphia	49,440.00	36	49,210.00	35	48,470.00	35
Salaries at St. Louis	40,540.00	30	41,610.00	31	41,060.00	31
Salaries at San Francisco	30,420.00	18	29,720.00	18	29,720.00	18
Paper for checks and drafts (in deficiency act for 1912)	10,000.00		10,000.00		9,000.00	
Total, independent treasury	545,390.00	358	539,700.00	353	524,230.00	352

Comparative statement showing the appropriations for 1912, the estimates for 1913, and amounts recommended for 1913—Continued.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL, 1913—continued.

Object.	Appropriations for 1912.		Estimates for 1913.		Recommended for 1913.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
MINTS AND ASSAY OFFICES.						
Salaries, Carson, Nev	$6,350.00	4	$6,350.00	4		
Wages of workmen	6,200.00		4,340.00			
Contingent expenses	3,000.00		3,000.00			
Salaries, Denver, Colo	48,100.00	23	46,100.00	22	$47,700.00	23
Wages of workmen	94,000.00		94,000.00		112,000.00	
Contingent expenses	30,000.00		35,000.00		37,500.00	
Salaries, New Orleans, La	10,300.00	7	8,200.00	5		
Wages of workmen	7,500.00		7,100.00			
Contingent expenses	3,500.00		3,000.00			
Salaries, Philadelphia, Pa	80,300.00	45	74,800.00	41	74,300.00	41
Wages of workmen	295,000.00		305,000.00		305,000.00	
Contingent expenses	70,000.00		70,000.00		70,000.00	
Salaries, San Francisco, Cal	54,300.00	27	51,300.00	25	46,700.00	23
Wages of workmen	155,000.00		122,500.00		80,000.00	
Contingent expenses	40,000.00		40,000.00		35,000.00	
Salaries, Boise, Idaho	8,050.00	5	8,050.00	5		
Wages of workmen	3,540.00		3,440.00			
Contingent expenses	2,500.00		2,220.00			
Salaries, Charlotte, N. C	1,500.00	1				
Wages of workmen	900.00					
Contingent expenses	500.00					
Salaries, Deadwood, S. Dak. (including for 1912, $250 in deficiency act)	6,450.00	4	6,650.00	4		
Wages of workmen	2,300.00		4,100.00			
Contingent expenses	1,500.00		1,500.00			
Salaries, Helena, Mont	10,400.00	6	8,800.00	5		
Wages of workmen	6,500.00		4,000.00			
Contingent expenses	3,250.00		3,000.00			
Salaries, New York, N. Y	46,500.00	23	51,300.00	27	51,100.00	27
Wages of workmen	30,000.00		80,500.00		80,000.00	
Contingent expenses	10,000.00		65,000.00		60,000.00	
Salaries, Seattle, Wash	13,050.00	7	9,850.00	5		
Wages of workmen	22,000.00		17,600.00			
Contingent expenses	6,500.00		6,000.00			
Salaries, Salt Lake City, Utah	7,100.00	4	7,100.00	4		
Wages of workmen	4,500.00		3,200.00			
Contingent expenses	3,500.00		3,500.00			
Amount expended in 1911 from "Parting and refining bullion," repealed after fiscal year 1912	225,665.00					
Total, mints and assay offices	1,319,755.00	156	1,156,500.00	147	997,700.00	114
GOVERNMENT IN THE TERRITORIES.						
Salaries in Alaska	87,000.00	17	87,000.00	17	87,000.00	17
Contingent expenses	7,150.00	1	8,950.00	1	7,150.00	1
Sitka National Monument			1,000.00			
Salaries in Arizona	21,500.00	8	21,500.00	8		
Contingent expenses	1,500.00		1,500.00			
Legislative expenses	2,000.00		24,250.00			
Salaries in New Mexico	27,500.00	10	27,500.00	10		
Contingent expenses	1,500.00		1,500.00			
Legislative expenses	3,000.00		25,000.00			
Salaries in Hawaii	28,000.00	5	28,000.00	5	28,000.00	5
Judges of circuit courts (indefinite)						
Contingent expenses	3,500.00	1	3,500.00	1	3,000.00	1
Legislative expenses			30,000.00		30,000.00	
Total, Government in the Territories	182,650.00	42	259,700.00	42	155,150.00	24
WAR DEPARTMENT.						
Salaries, Secretary's Office	147,970.00	118	149,800.00	118	147,970.00	118
Contingent expenses	75,500.00		75,500.00		73,500.00	
Rent	15,220.00		15,220.00		12,720.00	
Salaries, Adjutant General's Office	781,950.00	638	781,950.00	638	781,950.00	638
Salaries, Inspector General's Office	12,560.00	10	12,560.00	10	12,560.00	10
Salaries, Judge Advocate's Office	20,800.00	16	24,600.00	18	20,800.00	16
Salaries, Signal Office	25,800.00	22	25,800.00	22	25,800.00	22
Salaries, Quartermaster General's Office	278,410.00	222	278,410.00	222	275,110.00	219
Salaries, Office of the Commissary General	78,840.00	63	77,940.00	62	77,940.00	62
Salaries, Office of the Surgeon General	166,288.00	135	169,428.00	137	166,108.00	135
Salaries, Paymaster General's Office	71,900.00	58	72,400.00	58	71,900.00	58
Salaries, Chief of Ordnance	91,760.00	73	91,760.00	73	91,760.00	73
Salaries, Office of Chief of Engineers	100,220.00	80	107,820.00	86	100,220.00	80
Salaries, Bureau of Insular Affairs	91,000.00	73	91,360.00	73	91,000.00	73
Salaries, Division of Militia Affairs (payable from permanent appropriation for militia)						
Total, War Department	1,958,218.00	1,508	1,974,548.00	1,517	1,949,338.00	1,504
PUBLIC BUILDINGS AND GROUNDS.						
Salaries	16,140.00	9	16,740.00	9	16,140.00	9
Foremen and laborers	31,200.00		31,200.00		31,200.00	
Watchmen	30,950.00	43	30,950.00	43	30,950.00	43
Contingent expenses	4,500.00		4,700.00		3,900.00	
Total, Public Buildings and Grounds	82,790.00	52	83,590.00	52	82,190.00	52
STATE, WAR, AND NAVY BUILDING.						
Salaries	112,440.00	201	132,060.00	247	105,960.00	192
Fuel, lights, and contingent expenses	32,000.00		34,000.00		32,000.00	
Salaries, Mills Building	14,220.00	26	22,740.00	52	14,220.00	26
Miscellaneous	2,000.00		2,000.00		2,000.00	
Purchase of electric generator			14,000.00		14,000.00	
Salaries, State Department Annex	660.00	1	660.00	1	660.00	1
Total, State, War, and Navy Building	161,320.00	228	205,460.00	300	168,840.00	219
NAVY DEPARTMENT.						
Salaries, Secretary's office	73,460.00	50	78,220.00	53	73,460.00	50
Contingent expenses	44,500.00		53,000.00		44,500.00	
Rent	24,500.00		24,500.00		24,500.00	
Salaries, office of solicitor	16,990.00	9	16,990.00	9	16,990.00	9
Salaries, library of the Navy Department	3,980.00	4	3,980.00	4	3,980.00	4

Comparative statement showing the appropriations for 1912, the estimates for 1913, and amounts recommended for 1913—Continued.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL, 1913—continued.

Object.	Appropriations for 1912.		Estimates for 1913.		Recommended for 1913.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
NAVY DEPARTMENT—continued.						
Salaries, office Naval Records of Rebellion	$17,640.00	14	$17,640.00	14	$17,640.00	14
Publication of naval records	21,000.00		21,000.00		21,000.00	
Salaries, office of Judge Advocate	12,320.00	10	12,320.00	10	12,320.00	10
Salaries, Bureau of Navigation	79,440.00	73	82,260.00	73	77,760.00	71
Salaries, office of Naval Intelligence	12,100.00	10	13,160.00	11	12,100.00	10
Salaries, Bureau of Equipment	32,900.00	26	33,300.00	26	32,800.00	26
Salaries, Hydrographic Office	102,500.00	88	106,420.00	91	102,500.00	88
For production of charts from metallic plates by photolithographic process—						
Salaries			20,560.00	18	20,560.00	18
Equipment and supplies			19,000.00		19,000.00	
Press and attachments			6,500.00		6,500.00	
Drafting equipment			820.00		820.00	
Photographic equipment			3,120.00		3,120.00	
Miscellaneous expenses	7,000.00		7,000.00		7,000.00	
Lithographic printing press	4,000.00					
Folding machine	700.00					
Contingent expenses and salaries of branch offices	28,900.00		34,360.00		28,960.00	
Monthly Pilot Chart, North Pacific	2,000.00		2,000.00		2,000.00	
Salaries, Naval Observatory	43,240.00	40	44,280.00	40	43,240.00	40
Contingent and miscellaneous expenses	21,250.00		18,750.00		18,750.00	
Salaries, Nautical Almanac Office	15,640.00	13	16,240.00	13	15,640.00	13
Pay of computers on piecework	7,000.00		7,000.00		7,000.00	
Salaries, Bureau of Steam Engineering	26,380.00	24	26,880.00	24	26,380.00	24
Salaries Bureau of Construction and Repair	57,800.00	56	60,840.00	56	57,800.00	56
Salaries, Bureau of Ordnance	32,960.00	29	41,740.00	35	32,960.00	29
Salaries, Bureau of Supplies and Accounts	110,040.00	99	130,460.00	111	110,040.00	99
Salaries, Bureau of Medicine and Surgery	18,300.00	16	19,260.00	16	18,300.00	16
Salaries, Bureau of Yards and Docks	20,140.00	19	20,640.00	19	20,140.00	19
Naval Militia Office, salaries (payable from annual appropriation, Arming and equipping Naval Militia)						
Total, Navy Department	836,740.00	580	942,240.00	623	877,760.00	596
INTERIOR DEPARTMENT.						
Salaries, Secretary's Office	274,130.00	227	310,280.00	249	266,930.00	217
Additional employees, custody of old Post-Office Building	39,380.00	56	37,780.00	55	35,780.00	51
Salaries, Assistant Attorney General's Office	65,850.00	31	62,550.00	29	65,850.00	31
Expenses, special inspectors	4,000.00		4,500.00		4,000.00	
Expenses of inspectors	9,600.00		13,500.00		9,600.00	
Contingent expenses	122,000.00		130,000.00		122,000.00	
Stationery	69,500.00		70,100.00		69,500.00	
Scientific books	1,000.00		3,250.00		1,000.00	
Rent of buildings (including, for 1912, $375 in deficiency act for Civil Service Commission)	61,775.00		68,275.00		61,775.00	
Postage to Postal Union countries	3,500.00		3,500.00		3,500.00	
Salaries, General Land Office	621,870.00	487	639,700.00	504	621,520.00	487
Expenses of inspectors	8,500.00		8,500.00		8,500.00	
Law books for the library	400.00		400.00		400.00	
Maps of the United States	20,000.00		20,000.00		20,000.00	
Separate State and Territorial maps	2,000.00		2,000.00		2,000.00	
Filing system	3,000.00		3,000.00		3,000.00	
Salaries, Indian Office (including, for 1912, $500 in deficiency act)	232,210.00	179	302,780.00	221	231,710.00	179
Salaries, Pension Office	1,483,620.00	1,127	1,483,620.00	1,127	1,469,700.00	1,114
Expenses, special examiners	215,000.00		215,000.00		215,000.00	
Card-index system	10,000.00		5,000.00		5,000.00	
Salaries, special examiners	58,500.00	45	58,500.00	45	58,500.00	45
Salaries, Patent Office	1,311,010.00	939	1,355,460.00	951	1,311,010.00	939
Scientific library	2,500.00		2,500.00		2,500.00	
Law books for library	500.00		500.00		500.00	
Producing weekly issue of patents	140,000.00		140,000.00		140,000.00	
Investigating public use of inventions	500.00		500.00		500.00	
International Bureau at Berne	750.00		750.00		750.00	
Salaries, Bureau of Education	72,800.00	51	186,320.00	57	72,800.00	51
General expenses			26,900.00			
Books for library	500.00		500.00		500.00	
Collecting statistics	4,000.00		4,000.00		4,000.00	
Distributing documents	2,500.00		2,500.00		2,500.00	
Office, Superintendent of Capitol	30,480.00	22	30,480.00	22	30,480.00	22
Total, Department of Interior	4,871,375.00	3,164	5,192,645.00	3,260	4,840,805.00	3,136
SURVEYORS GENERAL.						
Salaries	38,000.00	13	39,000.00	13	36,000.00	12
Clerk hire	161,900.00		187,600.00		161,900.00	
Contingent expenses	21,000.00		20,700.00		19,700.00	
Total, Surveyors General	220,900.00	13	247,300.00	13	217,600.00	12
POST OFFICE DEPARTMENT.						
Salaries, Postmaster General's Office	177,190.00	220	177,190.00	220	172,150.00	213
Division of Post Office Inspectors	90,520.00	74	90,520.00	74	90,520.00	74
Division of Purchasing Agent	16,420.00	10	16,420.00	10	16,420.00	10
Division of Assistant Attorney General	19,770.00	13	19,770.00	13	19,770.00	13
Salaries, First Assistant Postmaster General's Office	82,650.00	59	83,150.00	59	82,650.00	59
Division of Appointments	63,480.00	44	63,480.00	44	63,480.00	44
Division of City Delivery	28,300.00	22	28,300.00	22	28,300.00	22
Salaries, Second Assistant Postmaster General's Office	224,470.00	158	152,330.00	105	151,830.00	105
Division of Railway Mail Service	40,300.00	26	40,300.00	26	40,300.00	26
Salaries, Third Assistant Postmaster General's Office	229,270.00	181	229,770.00	181	229,270.00	181
Division of Money Orders	73,310.00	59	73,310.00	59	73,310.00	59
Salaries, Fourth Assistant Postmaster General's Office	130,740.00	109	203,880.00	162	203,380.00	162
Division of Dead Letters	170,030.00	161	170,030.00	161	170,030.00	161
Division of Supplies	94,100.00	91	94,100.00	91	94,100.00	91
Division of Topography	46,790.00	36	46,790.00	36	46,790.00	36
Contingent expenses	100,350.00		98,350.00		88,850.00	
Rent	3,500.00		3,500.00		3,500.00	
Official Postal Guide	25,000.00		25,000.00		24,000.00	
Post-route maps	26,000.00		26,000.00		26,000.00	
Total, Post Office Department	1,642,190.00	1,263	1,642,190.00	1,263	1,624,650.00	1,255

Comparative statement showing the appropriations for 1912, the estimates for 1913, and amounts recommended for 1913—Continued.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL, 1913—continued.

Object.	Appropriations for 1912.		Estimates for 1913.		Recommended for 1913.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
DEPARTMENT OF JUSTICE.						
Salaries, Attorney General's Office	$419,010.00	245	$432,210.00	252	$407,610.00	238
Contingent expenses	42,000.00		49,500.00		42,000.00	
Rent (including, for 1912, $5,500 in deficiency act)	32,200 00		31,5[illegible]0 00		31,5[illegible]0 00	
Salaries, Office of Solicitor of Treasury	28,9[illegible]0 00	15	28,9[illegible]0 00	15	28,9[illegible]0 00	15
Purchase of law books	[illegible]00 00		[illegible]00 00		[illegible]00 00	
Salaries, Office of Solicitor of Department of Commerce and Labor	25,2[illegible]0 00	14	25,2[illegible]0 00	14	25,2[illegible]0 00	14
Purchase of books	[illegible]00 00		[illegible]00 00		[illegible]00 00	
Total, Department of Justice	548,1[illegible]0 00	274	568,310.00	281	536,0[illegible]0.00	267
DEPARTMENT OF COMMERCE AND LABOR.						
Salaries, Secretary's Office	173,900.00	161	184,290.00	168	170,300.00	158
Commercial agents	60,000.00		60,000.00			
Contingent expenses	60,000.00		60,000.00		60,000.00	
Rent	50,000.00		55,000.00		50,000.00	
Salaries, Bureau of Corporations	79,200.00	64	79,200.00	64	79,200.00	64
Salaries and per diem of special agents	175,000.00		175,000.00		175,000.00	
Salaries, Bureau of Manufactures	36,600.00	27	43,700.00	33		
Foreign tariffs, collating and arrangement of	10,000.00		12,000.00			
Salaries, Bureau of Labor	103,000.00	72	104,500.00	72	102,160.00	71
Per diem expenses of special agents	64,090.00		64,090.00		64,090.00	
Books, periodicals, etc	1,000.00		1,000.00		1,000.00	
Medical examination, employees of United States	3,000.00		3,000.00		3,000.00	
Salaries, Lighthouse Bureau	64,630.00	42	65,630.00	42	64,630.00	42
Census Office (including $500,000 for 1912, in urgent deficiency act)	3,000,000.00					
Salaries (including for 1912 the number of salaries constituting the Census Office when specific salaries therefor were omitted for 1910)		626	752,440.00	644	696,340.00	611
Temporary clerks			120,000.00		120,000.00	
Collecting statistics			429,000.00		342,000.00	
Rent			25,000.00		22,080.00	
Stationery			10,000.00		10,000.00	
Miscellaneous expenses			30,000.00		15,000.00	
Books for library			1,000.00		500.00	
Tabulating machinery			20,000.00		26,000.00	
Printing and binding			225,000.00		272,000.00	
Division of Statistics					69,640.00	60
Salaries, Bureau of Statistics	73,650.00	57	84,680.00	64		
Books and periodicals			200.00			
Collecting statistics relative to commerce	4,000.00		4,200.00			
Salaries, Office of Steamboat-Inspection Service	14,640.00	9	15,040.00	9	14,640.00	9
Salaries of steamboat inspectors	347,100.00	93	347,100.00	93	347,100.00	93
Clerk hire, service at large	83,000.00		83,000.00		83,000.00	
Contingent expenses	90,000.00		100,000.00		90,000.00	
Salaries, Bureau of Navigation	33,280.00	24	33,680.00	24	33,280.00	24
Salaries, shipping commissioners	31,900.00	17	32,100.00	17	23,200.00	10
Clerk hire	33,000.00		37,000.00		35,000.00	
Contingent expenses	10,850.00	1	10,940.00	1	9,000.00	1
Instruments for measuring vessels and counting passengers	1,000.00		1,000.00		500.00	
Enforcement of navigation laws	15,000.00		15,000.00		15,000.00	
Wireless communication	7,000.00		10,000.00		7,000.00	
Salaries, Bureau of Immigration and Naturalization	59,500.00	43	61,220.00	44	59,500.00	43
Salaries, Division of Naturalization	58,660.00	44	67,860.00	51	60,260.00	45
Salaries, Division of Information	19,340.00	12	19,340.00	12	19,340.00	12
Salaries, Bureau of Standards	236,340.00	192	269,080.00	221	236,340.00	192
Materials and apparatus	50,000.00		50,000.00		50,000.00	
Repairs and alterations of buildings	2,000.00		2,000.00		2,000.00	
Fuel, heat, light, power, and contingent	25,000.00		25,000.00		25,000.00	
Grading, etc	3,000.00		3,000.00		3,000.00	
Completing testing machine, Pittsburgh	25,000.00					
Testing machine, maintenance and operation	30,000.00		30,000.00		30,000.00	
Investigation of damage due to electric currents	15,000.00		10,000.00		10,000.00	
Investigating fire-resisting properties of materials			20,000.00			
Laboratory building	50,000.00					
Water current meter testing tank			5,000.00		5,000.00	
Testing structural materials	75,000.00		100,000.00		75,000.00	
Total, Department of Commerce and Labor	5,273,680.00	1,484	3,956,290.00	1,559	3,576,100.00	1,435
JUDICIAL.						
Salaries, Supreme Court:						
Chief Justice and associate justices (including for 1912 $9,000 in sundry civilact)	122,000.00	9	131,000.00	9	131,000.00	9
Marshal	4,500.00	1	4,500.00	1	4,500.00	1
Stenographic clerks	18,000.00	9	18,000.00	9	18,000.00	9
Salaries, circuit courts:						
Salaries, circuit judges (including, for 1912, 5 for Court of Commerce)	238,000.00	34	238,000.00	34	238,000.00	34
Clerks	31,500.00	9	31,500.00	9	31,500.00	9
Messenger, eighth circuit	3,000.00	1	3,000.00	1	3,000.00	1
Salaries, district courts:						
Salaries of judges	546,000.00	91	546,000.00	91	558,000.00	93
Salaries, Territory of Hawaii	16,200.00	4	16,200.00	4	16,200.00	4
Salaries, United States judge (retired), indefinite						
District of Columbia:						
Salaries, court of appeals—						
Salaries of chief justice and associate justices	21,500.00	3	21,500.00	3	21,500.00	3
Clerk	3,500.00	1	3,750.00	1	3,500.00	1
Assistant clerk	2,250.00	1	2,500.00	1	2,250.00	1
Reporter	1,500.00	1	1,500.00	1	1,500.00	1
Crier	1,000.00	1	1,200.00	1	1,000.00	1
Messengers	2,160.00	3	2,160.00	3	2,160.00	3
Clerical assistance	1,000.00		1,000.00		1,000.00	
Stenographers to judges	3,600.00	3	4,800.00	3	3,600.00	3
Salaries, supreme court—						
Chief justice and associate justices	36,000.00	6	36,000.00	6	36,000.00	6
Stenographers	5,400.00	6	5,400.00	6	5,400.00	6
Clerk district court northern district of Illinois	3,000.00	1	3,000.00	1		
Commissioner Yellowstone Park	1,500.00	1	1,500.00	1	1,500.00	
Books for libraries, circuit courts of appeals	9,500.00		9,500.00			
Books for judges and district attorneys	15,000.00		15,000.00		16,000.00	

Comparative statement showing the appropriations for 1912, the estimates for 1913, and amounts recommended for 1913—Continued.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL, 1913—continued.

Object.	Appropriations for 1912.		Estimates for 1913.		Recommended for 1913.	
	Amounts.	Number of salaries.	Amounts.	Number of salaries.	Amounts.	Number of salaries.
JUDICIAL—continued.						
Court of Customs Appeals:						
Salaries	$54,840.00	15	$54,840.00	15	$54,840.00	15
Rent and contingent	23,000.00		18,740.00		15,330.00	
Court of Commerce:						
Salaries, rent, and contingent	94,500.00	4	74,500.00	4		
Total, judicial	1,238,450.00	204	1,245,030.00	204	1,165,780.00	201
COURT OF CLAIMS.						
Salaries	56,480.00	29	57,400.00	29	56,480.00	29
Employment of auditors	6,000.00	1	10,000.00	1	6,000.00	1
Stationery and contingent expenses	3,900.00		3,900.00		3,900.00	
Purchase of chemical engine			1,000.00			
Reporting decisions	1,000.00		1,000.00		1,000.00	
Custodian of building	500.00	1	500.00	1	500.00	1
Total, Court of Claims	67,880.00	31	73,800.00	31	67,880.00	31
Grand total	36,157,209.85	15,283	35,684,347.40	15,583	33,519,594.03	14,877

NOTE.—Total reduction in amount of estimates, 1913, under appropriations for 1912		$472,862.45
Net increase in number of salaries estimated, 1913, over appropriations for 1912		300
Net decrease in amount of this bill under estimates for 1913		$2,164,753.34
Net decrease in number of salaries in this bill under estimates for 1913		703
Net decrease in amount of this bill under appropriations for 1912		$2,637,615.79
Net decrease in number of salaries in this bill under appropriations for 1912		403

Mr. WICKLIFFE. Mr. Chairman, in calling the attention of this House and of the country to the measure introduced by me on August 14, 1911—H. R. 13568, a bill to establish a bureau of markets in the Department of Agriculture—I wish to say at the outset that in my opinion it is as much the function of the Agricultural Department of our Government to acquire and diffuse knowledge on the question of how to sell the products of the farmer as it is the duty of that department to acquire and disseminate knowledge concerning better methods of producing farm products.

It is one thing to raise farm products, it is another thing to sell farm products, and it is just as much the duty of the great Agricultural Department of the United States Government to assist in disseminating knowledge concerning the latter as the former.

We hear much to-day concerning the flocking to the cities of our rural population, and each recurring decennial census ever shows the trend to be toward the cities. Members of Congress have advanced many theories as to how to combat this centralization in the cities and the leaving of our farms. In my judgment one of the best ways to combat this evil tendency is by our Agricultural Department not only undertaking to instruct the farmer how to raise better crops, but also how to get a fair price for these crops when produced.

What boots it if the farmer raises the most magnificent crop of potatoes, or onions, or cabbage, or beans, and so forth, ever recorded before in our history, if when he goes to sell these products the price he receives is not one-half of what the ultimate consumer pays for them?

If the Members of this House will admit, as I think they will, that these premises are correct, I feel that the first question I should take up in presenting this matter is the question of whether or not the condition exists which requires action, and, this being established, the next point I wish to discuss is what that action should be. I will therefore first discuss the condition that confronts us.

I will state that the first time my attention was particularly called to this question arose under conditions in my district incident to the advent of the cotton-boll weevil. The production of cotton in the district which I represent went down, as the result aforesaid, from 180,000 bales in 1904 to 10,000 bales in 1910. Our people were forced into other avenues of agriculture. They diversified in every direction. They raised a great deal of farm produce which comes under the practical heading of truck farming. I found a great deal of complaint made by them, not that they could not grow these different kinds of products, but that when they grew them they could not get a fair return therefor, although they informed me that the final consumers in the city were paying practically twice the amount for their stuff that the farmer was receiving.

While they had a general idea and a general knowledge concerning the verity of this proposition, yet it was not until quite recently that I was able to obtain figures that would tend to show that this discrepancy did exist, so that same could be put in concrete form and furnish information of a definite character.

In July, 1910, I noticed in an article published by Mr. B. F. Yoakum some figures on this subject that, were it not for the conservative source whence they come, might seem to be highly exaggerated. Among other things, Mr. Yoakum states in the article referred to:

> After a careful investigation it is estimated that during the past year—
>
> Meaning 1909—
>
> the farmers received and the consumers of the city of New York paid for the following articles of food approximately the amounts respectively shown:

	Paid to farmer.	Paid by consumer.
Eggs	$17,238,000	$28,730,000
Cabbage	1,825,000	9,125,000
Onions	821,000	8,212,000
Milk	22,912,000	48,880,000
Potatoes	8,437,000	60,000,000

There are other articles mentioned, but I mention the above for brevity and because they are, as a rule, the products of the small farmer or truck grower, which is the class of farmer which, in my opinion, is the most interested in this matter, as the discrepancy seems to be greater in his products than any others.

I admit that these figures are simply astounding, but coming from such an extremely conservative source as Mr. Yoakum, I feel that it can not be said that they have been given without careful study of this question. If this condition prevails with reference to the markets of the city of New York, I do not doubt that it prevails to more or less extent in each of the cities in our Union.

In the parish of Tangipahoa, in my district, our principal industry is truck growing. They are to-day shipping vegetables and berries to all parts of the Union, even shipping strawberries at this season as far west as Seattle, Wash., as far north as Chicago, and as far east as New York City. For years the best citizens of that parish have given thorough study, based on experience, to the marketing of farm products, and I have learned from both private conversation and by letter, from men well qualified to speak, that this problem is one of the greatest that confronts the producer. In a recent letter to me one of the most enterprising and intelligent truck growers writes—after referring to an editorial in the Southern Agriculturist on the subject—among other things—

> will say we have too many leeches between the producers and consumers. I read statistics a few days ago that the farmers obtained $6,000,000,000 in 1911 for all farm produce, but the consumer paid thirteen billion. I do not consider that a square deal—

and neither do I, and I do not believe that any Member of this House would so consider it. Later on I will quote others to show that this gentleman's figures are correct.

Such interest in the question of better markets has been manifested among the farmers in the district which I represent until I am firmly convinced that not only my own district, but every rural district in the United States, is interested in this question, for I believe that these conditions of enormous difference between what the farmer receives and the ultimate consumer pays are general throughout the land.

Proceeding upon the theory, however, that information and definite figures are what this House wants and not general allegations as to conditions, I wish to quote a few extracts from the address of Mr. Yoakum, delivered at a meeting of the Texas Farmers' Congress, at College, Tex., on July 26, 1911. I quote:

According to Government reports the producer receives 46 cents for products of the farm for which the consumer pays $1. It is not encouraging to the young farmer boys to see that out of every dollar being paid for the products of the farm their share is only 46 cents, while the remaining 54 cents are distributed among others before these products reach the consumers' tables.

Last year's agricultural products were worth $9,000,000,000 to the farmers. The Government used farm values in getting figures for this total. Assuming that the farmers kept one-third of the products for their own use, the consumers paid over $13,000,000,000 for what the producers received $6,000,000,000. The cost of getting the year's products from producers to consumers amounted to the enormous sum of $7,000,000,000. The real problem to deal with is not high cost of living. It is high cost of selling.

I feel that Mr. Yoakum has herein furnished a term, to wit, "the high cost of selling," which, as a matter of convenience and reference, will be very generally used hereafter by all discussing this question. Mr. Yoakum further says in that address:

The late S. A. Knapp, who had charge of farm-demonstration work in the Department of Agriculture and who had more to do with the recent agricultural development in the South than any one man, used to say that one-eighth of successful farming required scientific knowledge, that three-eighths was an art, and the remainder was simply business. The business end of husbandry has been sadly neglected, and that is the chief reason why agricultural growth makes such a poor showing in comparison with other national development.

The farmers of this country to receive better prices do not have to experiment with untried theories. They only have to copy what others are doing successfully. For instance, the people of Denmark 30 years ago received $12,000,000 for their butter, eggs, and bacon. Then they began the organization of market societies. Now the same character of products brings in over $100,000,000 a year. Nearly all of their dairy products are marketed through cooperative creameries, and their egg-export societies have 25,000 members.

* * * * * * *

The commercial waste in the distribution of farm products is reduced to a minimum. They share in the profits of economical marketing.

The necessity for early action is emphasized in the following paragraph, which I quote from the same address:

Advanced methods in handling the business of the farm are bound to come. What we must realize is the cost of delay. We have already waited too long. We should now work for prompt improvement in marketing facilities.

I now quote views of this gentleman as to the remedy:

The Government should assist in finding a way for better farm marketing. There should be a market bureau of the Agricultural Department devoted to accumulating and distributing information on best methods and best markets for selling.

* * * * * * *

The Government should systematically trace the movement of all farm products to the place of final use and give the country the information. It should give the country the benefit of a thorough investigation of improved selling and marketing systems, including all means of distribution and handling. Results will be immediate. The farmer will reduce his selling cost when he learns in detail about wagon-haul costs, freight charges, cold-storage charges, distribution in cities, profits to dealers, losses through deterioration, and all things which enter into marketing expense. As the selling expense decreases so will the returns to the farmer increase and the cost of living decrease.

Further on, Mr. Yoakum says:

Nine billion dollars is a big lot of money. It is the one great item of our national resource. In connection with this great wealth-producing business, it is certainly conservative, figured from any standpoint, to say that on the $9,000,000,000 farm value crop the producers should receive $2,000,000,000 more money than they are now receiving. These $2,000,000,000 saved would mean to the farmers a $2,000,000,000 saving on a $9,000,000,000 crop. When we discuss figures so large they become mystifying.

These $2,000,000,000 we could save, according to Mr. Yoakum, by a system of getting more direct from the farm to the consumer, is more than the combined revenues of France, Italy, and Germany, and more than double the cost per year of running our own Government.

In an address delivered in the city of Washington last summer, the Secretary of Agriculture, among other things, said:

The price received by the farmer is one thing; the price paid by the consumer is far different. The distribution of farm products from the farm to consumers is elaborately organized, considerably involved and complicated, and burdened with costly features.

In this same address the Secretary of Agriculture further says:

The farmer does not get one-half the price the consumer pays. Therefore the great mass of farmers are not benefited by the rise in price in all goods, and there is no benefit to the country at large. A few middlemen, selected individuals, who step between the farmer and consumer, are the persons who reap the benefit.

If my memory is correct, the Secretary of Agriculture, in his annual report to Congress in 1909 or 1910, gave the amount as 54 per cent which disappears between the producer and ultimate consumer—that is to say, the difference in price which the producer receives and the ultimate consumer pays.

Of course, I am not for a moment contending that under the best methods of farm marketing or the marketing of farm products that there must not be some considerable outlay for transportation, middlemen, and so forth, but what I do contend is that when so large an amount as 54 per cent, as contended by the Secretary of Agriculture—or even a greater amount than that as contended by other authorities whom I have quoted—that there must be of necessity something greatly out of joint in our method of marketing farm products. I am informed that in some countries abroad—Holland, for instance—only 25 per cent disappears between the producer and ultimate consumer, and I am of opinion that there is not a country on the globe where the difference is so vast as it is here in the United States.

I am not in this argument or the measure which I am pressing for the consideration of the House seeking to do an injustice to any calling whatsoever; I am simply seeking to do justice to all classes in this matter. Anything that would tend to bring the producer and ultimate consumer closer together would, in my judgment, be in the interest of both of said classes, and would at least tend toward following the law of supply and demand in a legitimate way.

Transportation companies and retailers are both necessary factors in the distribution of farm products, and I think are recognized as such by all thinking men.

Having established the fact, as I believe I have, that there is entirely too great a difference in what the farmer receives for his products and what the ultimate consumer pays for same, I shall now pass to the next question, to wit, that of securing some remedy.

It might appear to some that a far-reaching investigation, either by this House or the Senate, acting through a special committee of Congress, might get at the bottom of this matter and make such recommendations as to legislation which might solve the problem; but it is my judgment that it would be better to have some department of the executive branch of the Government make a special and specific study as to the best methods of marketing farm products and give the benefit of that information directly to the farmer.

If such division or bureau finds that legislation is necessary, they can report such findings to Congress with such recommendation as they deem best. If, on the other hand, they find upon a full and complete study of the question that certain methods of marketing, certain practices with reference to getting the producer and ultimate consumer closer together, are found to be feasible under existing law, and they can give that information direct to the farmer, both the farmer and ultimate consumer will be greatly benefited thereby.

With this end in view, I introduced H. R. 13568, a bill to establish in the Department of Agriculture a bureau of markets. This measure provides that it shall be the province and duty of said bureau, under the direction of the Secretary of Agriculture, to make diligent investigations of the methods of marketing farm products, and especially with regard to finding out and recommending the fairest and most direct method by which farm products may reach the consumer from the producer by accurately distributing information on the subject in question and on the subject of the best methods and best markets for selling, and providing that said bureau shall from time to time make such public reports of its work as the said Secretary of the department may direct.

As to the details of the measure, they are matters that can be easily perfected by the committee, and I am not in any manner wedded to the specific wording of the bill. What I am after is to have a careful study made of this question by competent, honest, and industrious officials under the direction of the Department of Agriculture, devoting their time specifically to the subject matter.

With a view to remedying this unjust and unfair condition which undoubtedly exists, such a working force can, in due time, certainly work out a better method of marketing farm products than exists to-day. As to the avenue along which we should proceed with reference to solving this problem, and as substantiating my views for the establishment of some bureau or

division to specifically study this question, I will call attention of the committee to the report of the Committee on Agriculture of the United States Senate on April 3, 1912, which contains the following from letters from the Secretary of Agriculture:

> My views are that a division of markets in our Bureau of Statistics, adequately equipped with funds and employees to properly handle the matters involved in the proposed legislation, would be of great benefit to the farmers of the country, enabling them to be advised frequently and regularly as to the various points to which their products could be shipped, thus avoiding congestion in certain markets and paucity of supplies in others, and that the probable cost of such a division would be much more than offset by the saving that would be effected to farmers through the aid that would be given them in the proper and economical marketing of agricultural commodities, particularly those of a perishable character.

Further on in the report the Secretary of Agriculture says:

> The interests of the farmer are as greatly involved in the proper marketing of his surplus products as they are in their production. The two things, production and marketing, are intimately connected, and in that view it would be wise to place the proposed division in the Bureau of Statistics of the Department of Agriculture.

I therefore submit, Mr. Chairman, that a condition confronts us in the marketing of farm products which requires a remedy, and I further submit that from my investigation and study of this question, extending over a period of nearly two years, that the best avenues along which we can proceed is along the lines I have heretofore suggested.

The question that presents itself in this matter affects the welfare of the great mass of people in the uttermost parts of the country; it makes no difference whether it be one who dwells in the largest city of the land or the farmer who lives in a most sparsely settled rural community, all would be better off if some method were shown along practical lines by means of which he who actually produces a product may exchange that product most directly with him who ultimately consumes it.

The consumers in our large cities would get their necessities of life at a cheaper price than they do now, and the producer of that article would get a higher price than he now receives, because no political economist, in my judgment, would urge that a normal and fair condition exists where more than half of the price disappears between him who produces that article and him who ultimately consumes it.

If the farmer received, say, 10 per cent, 15 per cent, or 20 per cent more than he does to-day for his products he could afford to see the price which exists to-day to the ultimate consumer materially lessened and still be better off than under present conditions.

The "high cost of selling" is certainly one of the greatest problems of the day, and we can not solve it by leaving present conditions alone and devoting all of our energies in the Agricultural Committee and in the Department of Agriculture to directing that great department to improve the methods of cultivation and production of products, when the fact stares us in the face that even when they are produced the farmer finds them blocked from a fair market.

The cry of "back to the farm" will continue to be the cry and will go unheeded unless something is done to secure to the farmer some way of solving "the high cost of selling."

Mr. MANN. Mr. Chairman, I ask unanimous consent that after the first paragraph of the bill is read that I may have the right to half an hour in debate under the same latitude as general debate.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that when the first paragraph of the bill is read under the 5-minute rule that he be entitled to the floor for 30 minutes as under general debate. Is there objection?

Mr. JOHNSON of South Carolina. To-morrow morning will satisfy the gentleman?

Mr. MANN. Yes; I hope it will not be to-night.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HILL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like it if the gentleman from New Jersey [Mr. HAMILL] could be recognized for 10 minutes before we begin the reading of the bill under the five-minute rule, and then the gentleman from Illinois [Mr. MANN] will have half an hour to-morrow morning.

Mr. MANN. Was my request agreed to?

Mr. JOHNSON of South Carolina. Yes; for to-morrow morning.

Mr. HAMILL. Mr. Chairman, if it be agreeable to the House and the gentlemen of the subcommittee, I ask that the privilege that has been extended by unanimous consent to the gentleman from Illinois [Mr. MANN] be also accorded to me, after the reading of the first paragraph of the bill, for half an hour, if I desire. I probably shall not use all of the time.

Mr. FITZGERALD. Mr. Chairman, I am constrained to object to that. There was a special reason why no objection was made to the request of the gentleman from Illinois. But general debate on the bill is to be closed to-night.

Mr. HAMILL. Then, Mr. Chairman, availing myself of the consent of the House, I would rather take my 10 minutes at this time.

The CHAIRMAN. The gentleman from New Jersey [Mr. HAMILL] is recognized for 10 minutes.

[Mr. HAMILL addressed the committee. See Appendix.]

Mr. JOHNSON of South Carolina. I call for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

> *Be it enacted, etc.*, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1913, for the objects hereinafter expressed, namely.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24023, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

THE CHINESE REPUBLIC.

The SPEAKER laid before the House the following communication from the Chinese Republic, which was read by the Clerk and ordered to be printed in the RECORD:

> LEGATION OF CHINA,
> *Washington, April 17, 1912.*
>
> Hon. HUNTINGTON WILSON,
> *Acting Secretary of State.*
>
> SIR: I am instructed by my Government to convey to the Congress of the United States the warm thanks of the people of China for its congratulations on their assumption of the powers, duties, and responsibilities of self-government as well as for its public expression of confidence in their successful adoption and maintenance of a republican form of government, as set forth in its concurrent resolution of April 13, 1912.
>
> I should be greatly obliged if you would be so kind as to transmit the message to the Congress.
>
> Accept, sir, the renewed assurances of my highest consideration.
>
> CHANG YIN TANG.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the Resident Commissioner of the Philippines [Mr. QUEZON] may have permission to extend remarks in the RECORD on the bill for civil government in the Philippine Islands, before the House for consideration yesterday.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Resident Commissioner of the Philippine Islands have permission to extend his remarks in the RECORD. Is there objection?

There was no objection.

PENSION BILLS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 18335) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagree to the Senate amendments, and ask for a conference; and I also ask unanimous consent to waive the reading of the Senate amendments.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take up the bill H. R. 18335, disagree to the Senate amendments, and ask for a conference. He also asks unanimous consent to waive the reading of the Senate amendments. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, disagree to the amendments, and ask for a conference. I also ask unanimous consent to waive the reading of the Senate amendments.

The SPEAKER. The gentleman also asks unanimous consent to take up the bill H. R. 18337, with Senate amendments,

waive the reading, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, to waive the reading, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take up the bill H. R. 18954, disagree to the Senate amendments, waive the reading, and ask for a conference. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I also ask unanimous consent to take up the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, disagree to the Senate amendments, and ask for a conference. I also ask unanimous consent that the reading of the Senate amendments be waived.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take up the bill H. R. 18955, disagree to the Senate amendments, and ask for a conference, and also asks to waive the reading of the Senate amendments. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the above four pension bills Mr. RUSSELL, Mr. ANDERSON of Ohio, and Mr. FULLER.

AIDS TO NAVIGATION IN THE LIGHTHOUSE SERVICE.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 22043, an act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference. I also ask unanimous consent to waive the reading of the Senate amendments.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask what the Senate amendments are.

Mr. ADAMSON. They have struck out one or two items and added a few.

Mr. UNDERWOOD. How much does the increased appropriation amount to?

Mr. ADAMSON. Something near $1,000,000. I have not added it up.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of the bill H. R. 22043, disagree to the Senate amendments, and ask for a conference; also to waive the reading of the Senate amendments. Is there objection?

Mr. FITZGERALD. What was the amount carried by this bill when it passed the House?

Mr. ADAMSON. About $100,000.

Mr. FITZGERALD. And the Senate has added $1,000,000?

Mr. ADAMSON. Oh, I do not say that it is $1,000,000, but they have added a good deal.

Mr. MANN. The Senate has added a good deal to it, the most of which goes to the Pacific coast, up in Alaska, and some on the Atlantic coast.

Mr. FITZGERALD. I ask that the bill lie on the Speaker's table until to-morrow morning.

The SPEAKER. Does the gentleman from New York object?

Mr. FITZGERALD. No; I will withdraw that request.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota.

MINORITY VIEWS ON THE SEAMEN'S BILL.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that the minority members of the Committee on the Merchant Marine and Fisheries have five legislative days in which to file minority views on the bill H. R. 23673, generally known as the seamen's bill. (H. Rept. 645, pt. 2.)

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the minority of the Committee on the Merchant Marine and Fisheries may have five legislative days in which to file minority views on the seamen's bill. Is there objection?

There was no objection.

MISSOURI RIVER, NEBR.

Mr. ELLERBE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 23774, providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to proceed, in accordance with such plans, specifications, and recommendations as may be approved by the Chief of Engineers, to take such steps as may be necessary to check the inroads now making by the Missouri River upon the banks of said river in Dakota County, State of Nebraska, opposite the city of Sioux City, Iowa, as may appear to be necessary, and to build such revetment and other protecting work along said river as may be needed for the permanent protection of said bank. That for said purpose there is hereby appropriated, from the money remaining in the Treasury not otherwise appropriated, the sum of $60,000. That said appropriation, being needed to supply an emergency, shall become available from the time of the passage of this act.

With the following committee amendment:

Page 2, line 4, strike out the word "sixty" and insert in lieu thereof the word "fifty."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from South Carolina whether there are any other bills for repair work of any damage done by floods at individual places?

Mr. ELLERBE. Mr. Speaker, I will say that I know of none. This is the only bill of the kind—the last bill of the kind that has been considered by our committee.

Mr. FITZGERALD. Mr. Speaker, at another time I objected to a bill of this kind and expressed the opinion, which was acquiesced in, that these matters should be taken care of under general bills. The gentleman from South Carolina [Mr. ELLERBE] has indicated the reasons why this is important at this time, but so that nobody may proceed upon the theory that upon requests for unanimous consent such bills will be considered, I wish to announce that hereafter I shall object to unanimous consent for the consideration of such bills.

Mr. MANN. Mr. Speaker, reserving the right to object, which I shall not do in this case, I would like to ask the gentleman whether this $50,000 will be likely to be expended for the purpose of an emergency fund or whether it is intended, if it is not all expended now, to have a lot of it remain available for any time in the future?

Mr. ELLERBE. Mr. Speaker, I want to say to the gentleman from Illinois that the committee went into the matter very carefully. This is to be an emergency fund, to be expended entirely between now and what they call the June rise.

Mr. MANN. I would suggest that the bill be amended by inserting, on page 2, line 3, after the word "dollars," the language "or so much thereof as may be necessary." The bill makes an appropriation of $50,000, and under the law that remains available until expended, and is so carried upon the books. If it is only for emergency, and that is what I understand this to be, it ought to be changed so as not to leave an unexpended balance.

Mr. ELLERBE. I have no objection to an amendment of that kind.

Mr. MANN. There is a committee amendment that has not yet been acted upon.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, line 4, strike out the word "sixty" and insert in lieu thereof the word "fifty."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. ELLERBE. Mr. Speaker, I move to amend, on page 2, line 3, by inserting after the word "dollars" the words "or so much thereof as may be necessary."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. ELLERBE. Mr. Speaker, I move to amend, on page 2, line 3, by striking out the word "remaining."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. ELLERBE. Mr. Speaker, I move to further amend by striking out the last sentence of the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 4, 5, and 6, strike out the words "That said appropriation, being needed to supply an emergency, shall become available from the time of the passage of this act."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ELLERBE, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SAMUEL W. SMITH, for 8 days, on account of important business.

To Mr. SWITZER, until May 25, 1912, on account of important business.

To Mr. DAVENPORT, for 10 days, on account of important business.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. MANN. I would like to ask the gentleman from South Carolina if he is going ahead to-morrow with the bill?

Mr. JOHNSON of South Carolina. We hope to go on with this bill to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned until Friday, May 3, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill (H. R. 21826) validating certain homestead entries, reported the same with amendment, accompanied by a report (No. 642), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Pennsylvania, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen, reported the same with amendment, accompanied by a report (No. 645), which said bill and report were referred to the House Calendar.

Mr. LAMB, from the Committee on Agriculture, to which was referred the bill (H. R. 56) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations, submitted the views of the minority thereon (H. Rept. 602, pt. 2), which were ordered to be printed.

Mr. GILLETT, from the Committee on Appropriations, to which was referred the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, submitted the views of the minority thereon (H. Rept. 633, pt. 2), which were ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CANTRILL, from the Committee on Claims, to which was referred the bill (S. 547) for the relief of Sarah A. Waite, reported the same without amendment, accompanied by a report (No. 639), which said bill and report were referred to the Private Calendar.

Mr. HEALD, from the Committee on Claims, to which was referred the bill (S. 4189) for the relief of the estate of Johanna S. Stoeckle, reported the same without amendment, accompanied by a report (No. 640), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 6384) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 644), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (H. R. 4509) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army, reported the same with amendment, accompanied by a report (No. 646), which said bill and report were referred to the Private Calendar.

Mr. HEALD, from the Committee on Claims, to which was referred the bill (S. 4751) for the relief of Albert S. Henderer, reported the same without amendment, accompanied by a report (No. 641), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 643), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Indian Affair was discharged from the consideration of the bill (H. R. 24042) to reappropriate certain money for the purpose of paying the claim of John E. Meyer, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHACKLEFORD: A bill (H. R. 24067) providing for the construction, erection, maintenance, and operation of a dam across the Osage River in Miller County, Mo., for the purposes of improving navigation and the development of water power; to the Committee on Interstate and Foreign Commerce.

By Mr. DOREMUS: A bill (H. R. 24068) to authorize and empower the Public Health and Marine-Hospital Service to collect, maintain, and make available plans and descriptive matter relative to hospitals, asylums, dispensaries, and like institutions, and make provision therefor; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: A bill (H. R. 24069) to provide for the establishment of a board of inebriety and a hospital and industrial colony for inebriates in the District of Columbia; to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 24070) to amend sections 5 and 7 of the act of March 22, 1906; to the Committee on Indian Affairs.

By Mr. GRIEST: A bill (H. R. 24071) to require adequate life-saving facilities on ocean-going passenger vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. HEALD: A bill (H. R. 24072) for the erection of two bronze figures of the figurehead of Tecumseh taken from the sloop of war *Delaware;* to the Committee on Naval Affairs.

By Mr. CARY: A bill (H. R. 24073) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Fraternal Order of Eagles; to the Committee on the Public Lands.

By Mr. FERGUSSON: A bill (H. R. 24074) to encourage and promote sinking of wells on desert lands in the State of New Mexico; to the Committee on Irrigation of Arid Lands.

By Mr. HAMILL: A bill (H. R. 24075) making appropriation for the further improvement of the Hudson (North) River Channels of New York Harbor, N. Y.; to the Committee on Rivers and Harbors.

By Mr. MANN: A bill (H. R. 24076) providing for rates of postage on fourth-class mail matter, for the appointment of the parcel transportation commission, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: A bill (H. R. 24077) to protect owners of trade-marks, labels, and similar property; to the Committee on Patents.

By Mr. CLAYTON: Resolution (H. Res. 520) for the consideration of H. R. 23635, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AKIN of New York: A bill (H. R. 24078) granting a pension to John Elson; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 24079) granting a pension to Barbara Heider-Bauman; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 24080) granting an increase of pension to Joseph Goddard; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 24081) for the relief of Henry Hirschberg; to the Committee on Claims.

By Mr. BARTLETT: A bill (H. R. 24082) for the relief of Stephen G. Dorsey; to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 24083) granting a pension to Christian Wilhelm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24084) granting an increase of pension to John O. Shears; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 24085) granting an increase of pension to Taylor Smedley; to the Committee on Invalid Pensions.

By Mr. COVINGTON: A bill (H. R. 24086) granting an increase of pension to Warren W. Wallace; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 24087) granting an increase of pension to John S. Reagan; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 24088) granting an increase of pension to James B. Coyle; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 24089) granting an increase of pension to Nason F. Waterman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24090) granting an increase of pension to Emery O. Pendleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24091) granting an increase of pension to David E. Seekins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24092) granting an increase of pension to Albert T. Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24093) granting an increase of pension to Oscar L. Staples; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 24094) granting a pension to Daniel Boran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24095) granting a pension to Jacob Freudenberger; to the Committee on Pensions.

By Mr. LEVY (by request): A bill (H. R. 24096) to correct the record of Capt. Henry Clay Fisher, United States Marine Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. LLOYD: A bill (H. R. 24097) granting a pension to James D. Silman; to the Committee on Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 24098) granting an increase of pension to Robert D. Giltner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24099) granting an increase of pension to Samuel Emmitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24100) granting an increase of pension to Parson B. Mix; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 24101) granting a pension to John F. Corcoran; to the Committee on Pensions.

Also, a bill (H. R. 24102) to correct the military record of Edgar B. Wood, deceased; to the Committee on Military Affairs.

By Mr. PEPPER: A bill (H. R. 24103) for the relief of Andrew Wurster; to the Committee on Military Affairs.

Also, a bill (H. R. 24104) for the relief of William Minor; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 24105) granting an increase of pension to Frank E. Barnes; to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 24106) for the relief of the estate of Ben Whitaker, sr., deceased; to the Committee on War Claims.

By Mr. SULZER: A bill (H. R. 24107) granting a pension to Stuart R. Fairbanks; to the Committee on Pensions.

By Mr. SWITZER: A bill (H. R. 24108) granting an increase of pension to Hiram W. Partton; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 24109) granting a pension to Jessie Banta; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 24110) granting an increase of pension to Edgar Thompson; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 24111) granting a pension to Sarah McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24112) to correct the military record of John M. Kills; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 24113) granting an increase of pension to William Hurt; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petition of Rush Grange, No. 1167, Patrons of Husbandry, of Rush Township; Coast Hill Grange, No. 917, Patrons of Husbandry, of Great Bend Township, Susquehanna County; Oriental Grange, No. 165, Patrons of Husbandry, of Falls Township, Wyoming County; and Salem Grange, No. 965, Patrons of Husbandry, of Salem Township, Salem County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Minnesota: Petition of C. A. Hubbard and 17 others, of Lake City, Minn., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Papers to accompany bill for the relief of Thomas B. Reed (H. R. 10026); to the Committee on Invalid Pensions.

Also, petition of Oren Nichols and 20 other citizens of Newark, Ohio, protesting against the passage of interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, petition of Tuttle & Sellers and three other merchants of Creston, Ohio, protesting against enactment into law of any recommendation with reference to the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the United Polish Society of Brooklyn, N. Y., against passage of Senate bill 3375, for literacy test; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Petition of the Workmen's Circle, New York, protesting against the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of P. T. Rowe, bishop of Alaska, relative to conditions of the natives of Alaska; to the Committee on the Territories.

Also, petition of G. W. Guthrie, favoring the passage of the Owen bill, to establish the United States public health service (S. 561); to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN: Petition of citizens of Illinois, favoring the passage of the anti-Taylor system bills; to the Committee on the Judiciary.

By Mr. BULKLEY: Resolution of the Cleveland (Ohio) branch of the Lake Seamen's Union, urging the importance of legislation to require all steamers to carry a sufficient number of lifeboats and efficient deck crews; to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDER: Petition of the Workmen's Circle of New York, protesting against the passage of the Dillingham bill (S. 3175), literacy examination; to the Committee on Immigration and Naturalization.

By Mr. COVINGTON: Petition of John B. Shannon and others, of Allegany County, Md., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of United Workers of America, Local Union No. 2102, Fayette City, Pa., favoring building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Brave, Greene County, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DAVENPORT: Petition of citizens of Duncan and Stephens Counties, Okla., against passage of Senate bill 8339, known as the Owen bill; to the Committee on Indian Affairs.

By Mr. DANFORTH: Petition of the Chamber of Commerce of Rochester, N. Y., favoring the passage of House bill 17736, providing for 1-cent postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Resolution of the Workmen's Circle, in convention at the city of New York May 1, 1912, against passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the Manufacturers and Merchants' League of Virginia, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. FOSS: Petition of the Workmen's Circle of New York, protesting against passage of the Dillingham bill (S. 3175) for literacy test of immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Chicago, Ill., protesting against Senate bill 1, for establishment of an independent bureau of health or other similar medical legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Challenge Cigar Factory, Ottawa, Ill., favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of Bradner, Smith & Co., Chicago, Ill., favoring passage of House bill 17736, for 1-cent postage on letters; to the Committee on the Post Office and Post Roads.

Also, petition of the Chicago Grocers' Exchange, Chicago, Ill., favoring passage of House bill 17736, for 1-cent postage on letters, etc.; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Illinois Conference of the African Methodist Episcopal Church, in favor of proposed exposition to commemorate the freedom of the Negro in America; to the Committee on Industrial Arts and Expositions.

Also, petition of the National Fraternal Press Association, of Columbus, Ohio, favoring the passage of the Dodds amendment to the Post Office appropriation bill, relating to publications of fraternal societies, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of P. T. Rowe, bishop of Alaska, in favor of enactment of legislation to provide a home for the blind and sanitarium for tuberculosis cases for natives of Alaska, and that their health and sanitary care be placed under the governmental health and quarantine department; to the Committee on the Territories.

Also, petition of the Illinois Lumber & Builders' Supply Dealers' Association, of Chicago, Ill., in opposition to the passage of the Bartlett anti-injunction bill; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of C. A. Burrows, of Lancaster, Pa., favoring passage of the old-age pension bill (H. R. 13114); to the Committee on Pensions.

Also, petition of Lampeter Branch of the Lancaster County Farmers' Association, favoring passage of a general parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of citizens of Golden Ridge, Me., favoring passage of House bill 19133, for postal-express system; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of the Baptist Sunday School of Fairmount, Richland County, N. Dak., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens and merchants of Wilton, N. Dak., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Devils Lake Lodge, Local No. 2, International Association of Machinists, of Devils Lake, N. Dak., favoring passage of House bill 22339, against use of the stop watch for Government employees; to the Committee on Labor.

Also, petition of the Kensal Farmers' Elevator Co. and other elevators companies and citizens of North Dakota, against passage of the Lever bill against trading in futures in grain, etc.; to the Committee on Agriculture.

Also, petition of J. M. Kennedy, of Hamar, N. Dak., against passage of Lever bill applying to grain; to the Committee on Agriculture.

By Mr. JACOWAY: Petition of citizens of Arkansas, favoring passage of House bill 16450, against unlawful breaking of seals on railroad cars, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: Petition of the Chamber of Commerce of the State of New York, against any legislation prohibiting free tonnage of Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United Polish Societies of Brooklyn, N. Y., against passage of Senate bill 3375 or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. LEWIS: Petition of James Bagley and other citizens of Maryland, relative to inventors, etc.; to the Committee on Patents.

Also, petition of J. V. Yarnall and 24 other citizens of Cumberland, Md., favoring passage of House bill 22339 and Senate bill 6172, to prevent the introduction of the Taylor system into Government shops; to the Committee on Labor.

By Mr. LINDSAY: Petition of the United Polish Societies of Brooklyn, N. Y., and the Workmen's Circle of New York City, N. Y., against passage of Senate bill 3375 or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

Also, petition of the Allied Boards of Trade and Taxpayers' Association, relative to wireless apparatus and operators and sufficient number of lifeboats on all ocean steamers; to the Committee on Immigration and Naturalization.

By Mr. MAHER: Petition of Jewish Community and the Workmen's Circle of New York City, against passage of the Dillingham bill (S. 3375) containing educational tests for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MARTIN of South Dakota: Papers to accompany bill granting an increase of pension to Parson B. Mix, of Hot Springs, S. Dak., who was a member of Company I, One hundred and forty-first Regiment Illinois Volunteer Infantry, Grand Army of the Republic; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Robert D. Giltner; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Samuel Emmitt; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: Petition of the First United Presbyterian Church of Beaver Falls, Pa.; the New Salem Presbyterian Church, Beaver Falls, Pa.; the Free Methodist Congregation of Rochester, Pa., all favoring speedy passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the Young Men's Christian Association and Woman's Christian Temperance Union of Monongahela, the Woman's Christian Temperance Union of Darlington, the Union Church Meeting, New Galilee, the Woman's Christian Temperance Union of New Brighton, the Methodist Episcopal Church of Ambridge, the Woman's Christian Temperance Union of Midland, and the Woman's Missionary Society of Economy, all in the State of Pennsylvania, favoring speedy passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOTT: Petition of Local No. 125, National Association of Metal Polishers of Watertown, N. Y., favoring passage of House bill 22339, against the stop watch for Government workers; to the Committee on Labor.

Also, petition of the Workmen's Circle of New York, protesting against the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of the Butchers, Grocers, and Marketmen's Association of Rhode Island, asking that the present internal-revenue laws taxing the manufacturing and selling of oleomargarine be repealed; to the Committee on Agriculture.

By Mr. RAKER: Petition of the Sailors' Union of the Pacific, San Francisco, Cal., favoring passage of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of California, asking for congressional investigation into the case of the editors of the Appeal to Reason, Leavenworth, Kans.; to the Committee on the Judiciary.

Also, petition of the Board of Trade of San Diego, Cal., protesting against passage of House bills 11372 and 20576; to the Committee on the Merchant Marine and Fisheries.

By Mr. ROBINSON: Petition of the German-American Federation of Arkansas, protesting against any prohibition or interstate-commerce liquor measure now pending; to the Committee on the Judiciary.

By Mr. STEPHENS of Nebraska: Petition of J. O. Blodgett and others, of Columbus, Nebr., for the immediate passage of House bill 16689; to the Committee on the Public Lands.

Also, petition of C. T. Carrig and others, of Columbus, Nebr., asking for the immediate passage of House bill 16689, validating sales of a part of the right of way of the Union Pacific Railroad; to the Committee on the Public Lands.

By Mr. SULZER: Petition of Adolph Hirtestein, favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the citizens of Vineland, N. J., favoring the immediate enactment of postal progress league bill (H. R. 14) or of a more progressive measure into law; to the Committee on the Post Office and Post Roads.

Also, petition of the Jewish community of New York City, opposing the passage of the Burnett bill containing educational tests for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Vincent Goss, of New York, favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Workmen's Circle of New York, opposing the passage of the Burnett bill; to the Committee on Immigration and Naturalization.

Also, petition of the committee of wholesale grocers, favoring the reduction of duty on raw and refined sugar; to the Committee on Ways and Means.

By Mr. TILSON: Petition of New England manufacturers, against passage of the Covington amendment to the Panama Canal bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Workmen's Circle of New York City, against passage of the Dillingham bill (S. 3175) or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petitions of the United Polish Societies of Brooklyn and the Workmen's Circle of New York City, N. Y., against passage of the Dillingham bill (S. 3375) or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. WEDEMEYER: Petition of citizens of Adrian, Mich., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Allied Board of Trade and Taxpayers' Association, relative to wireless apparatus and operators and sufficient lifeboats on all ocean steamers; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Board of Trade and Transportation, favoring passage of Senate bill 2117, for increase in pay for employees in United States Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Petition of Ed. P. Egan and 10 other citizens of Delaware, Ohio, favoring passage of House bill 22339; to the Committee on Labor.

SENATE.

FRIDAY, *May 3, 1912.*

(Continuation of legislative day of Thursday, May 2, 1912.)

The Senate met, after the expiration of the recess, at 11 o'clock and 50 minutes a. m.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

Mr. SMITH of Georgia. Mr. President, I suggest that there is no quorum present.

The VICE PRESIDENT. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Lea	Sanders
Bacon	Cullom	Lodge	Simmons
Borah	Curtis	Martine, N. J.	Smith, Ariz.
Bourne	Davis	Myers	Smith, Ga.
Brown	Dillingham	Nelson	Smoot
Bryan	Fall	Overman	Stephenson
Burnham	Fletcher	Owen	Sutherland
Burton	Gallinger	Page	Swanson
Catron	Gardner	Penrose	Tillman
Chamberlain	Gronna	Perkins	Warren
Chilton	Johnson, Me.	Rayner	Williams
Clapp	Johnston, Ala.	Reed	Works
Crane	Jones	Richardson	
Crawford	Kern	Root	

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. A quorum of the Senate is present. The Senator from Missouri [Mr. REED] is entitled to the floor.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. SMITH of Georgia. I am very anxious at this stage to put into the RECORD the amendments that I intend to offer to the bill. It seems to me that it would put them in a convenient form to be seen by Members of the Senate. I sought to do so yesterday morning, and objection was made. If necessary, I will read them myself so as to get them into the RECORD.

The VICE PRESIDENT. Without objection, the amendments proposed to be offered by the Senator from Georgia will be printed in the RECORD. The Chair hears no objection.

The amendments referred to are as follows:

Amendments intended to be proposed by Mr. SMITH of Georgia to the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, viz:

Amend the bill by striking therefrom all of section 3.

In section 30, after the word "before," in line 8, insert the words "or after," so that the section will read:

"SEC. 30. That nothing herein contained shall be construed as doing away with or affecting any common-law or statutory right of action or remedy for personal injury or death happening before or after this act shall take effect."

Amend section 5 by adding at the close thereof the following proviso:

"Provided, That if the employee elects to furnish his own physician or surgeon to care for himself, he may recover from his employer such expenses incurred therefor by him as are reasonable and just."

Amend, after line 16, on page 4, section 7, by adding:

"Provided, That where it is made to appear that the employer, through its officers and agents, had received knowledge of the accident within 30 days after the happening thereof, no notice whatever shall be required to be given of the action by the employee to the employer."

Amend by adding at the close of section 7 the following:

"It shall be the duty of the employer, within five days after receiving notice through its officers or agents that an employee has received an injury in its service, to notify such employee whether said injury was received while such employee was employed in such commerce by such employer; and in any legal procedure which may follow the employer shall be bound by such notice, and will not be permitted to deny its truth, and on failure of said employer to give said notice said employer shall not be permitted to deny, in any legal procedure, the claim that said injury was received by such employee while employed in such commerce."

Amend by striking section 10.

Amend by striking section 11.

Amend section 13, paragraph 4, by adding at the close of the same: *"Provided,* That either party may take the testimony, to be used before the adjuster, of a witness either by deposition or interrogatories, according to the rules of practice of force in the United States district in which the case is pending."

After the word "require," in section 13, paragraph 9, line 11, insert the words "The reasonable attorney's fees of the employee shall be taxed as cost against the defendant by the adjuster or by the court."

After the word "require," on page 20, section 14, line 21, insert the words "or without giving notice where such notice is not required."

On page 22, section 14, after line 11, add: *"Provided,* That where an employee institutes suit for an injury, claiming that same did not take place while he was employed in interstate or foreign commerce, and fails to recover in such suit, the limitation of the time for his right to proceed under this act shall begin with the termination of such suit, and not with the time when the injury to him occurred."

Amend section 14 by adding paragraph 8 after paragraph 7:

"(8) Employees shall have the privilege of enforcing the rights given to them under this act before the adjuster or to proceed in any State court having jurisdiction, and no suit brought in a State court under this act shall be removed to the United States court."

Amend by striking section 16 and substituting as follows:

"SEC. 16. That on the hearing of a cause of action arising under this act either party shall have the right to elect to commute the monthly payments into a fixed sum, and in that event the fixed sum shall be the present value of the annuities herein provided for, the present value to be calculated on the basis of interest at 5 per cent."

Amend section 20 by striking out in lines 19, 20, and 21 the following words: "No employee's wages shall be considered to be more than $100 a month."

Amend section 21, line 14, by striking out the words "for a period of eight years," and add, in line 15, after the word "death," the words "during the life expectancy of the deceased."

Amend section 21, on page 30, in lines 17, 18, 21, and 22, by striking out the word "sixteen" and inserting "twenty-one." On page 31, line 16, strike out the words "for the unexpired part of the period of eight years."

On page 34, lines 5 and 6, strike out "50 per cent," so that same shall read: "Where permanent total disability results from any injury there shall be paid to the injured employee the monthly wages of such employee during the remainder of his life." In line 17 strike out "50 per cent," so that the same shall read: "Where temporary total disability results from any injury there shall be paid the monthly wages of the employee during the continuance of such temporary total disability."

On page 34, section 21, paragraph 9, subdivision D, strike out the balance of page 34, page 35, and page 36 down to line 6 and insert in lieu thereof:

"(D) Where permanent partial disability results from any injury—

"(1) An amount equal to 50 per cent of his wages shall be paid to the injured employee for the balance of his life in the following instances:

"The loss by separation of arm at or above the elbow joint or the permanent and complete loss of use of one arm.

"The loss by separation of one hand at or above the wrist joint or the permanent and complete loss of the use of one hand.

"The loss by separation of one leg at or above the knee joint or the permanent and complete loss of the use of one leg.

"The loss by separation of one foot at or above the ankle joint or the permanent and complete loss of the use of one foot.

"The permanent and complete loss of hearing in both ears.

"An amount equal to 25 per cent of his wages shall be paid to the injured employee during the remainder of his life for the following injuries:

"The permanent or complete loss of hearing in one ear.

"The permanent and complete loss of sight of one eye.

"An amount shall be paid to the injured employee during the balance of his life for the percentages of his wages stated against such injuries, respectively, as follows:

"In case of the permanent loss of hearing in one ear, 20 per cent.

"The permanent and complete loss of sight of one eye, 20 per cent.

"The loss by separation of a thumb, 15 per cent; of first finger, 12½ per cent; second, third, or fourth finger, 10 per cent.

"The loss of one phalanx of a thumb, two phalanges of a finger, 7½ per cent.